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ABSTRACT

Updating the Administration for Children, Youth and Families' 1978 "Comparative Licensing Study," a study was conducted to provide a common framework for assessing state activities in critical child care licensing areas and to record the status of child care licensing as of March 1981 in the 50 states, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands. The updated, six-volume comparative licensing study improves the format of the original (e.g., gives greater prominence to group size and infant care) and contains detailed information on state laws and regulations dealing with family child care homes, group child care homes, and day care centers. The format consists of the following categories: (1) state licensing of child day care facilities; (2) licensing process and enforcement procedures; (3) administration; (4) group compositions of children; (5) staff qualifications and training requirements; (6) program of activities, including education; (7) health and safety; (8) nutrition and food service; (9) social services; (10) parent participation; (11) infants and toddlers; (12) children with handicapping conditions; (13) school age children; (14) facility requirements; and (15) other state requirements - compliance with other local, state, and regional laws and regulations. Volume 1 profiles requirements of day care centers in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Guam, Hawaii, and Illinois. In some profiles, some categories are not detailed. (RH)

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COMPARATIVE LICENSING STUDY

Profiles of State Day Care Licensing Requirements

DAY CARE CENTERS

Revised Edition 1981

Volume 1 Alabama - Illinois

produced for

Dr. Raymond C. Collins
Government Project Officer
The Office of Program Development
Office of Developmental Services
Administration for Children, Youth and Families
Office of Human Development Services
U.S. Department of Health and Human Services

by

Lawrence Johnson & Associates, Inc.
4545 42nd Street, N.W.
Washington, D.C. 20016

November, 1982

PS 013970

PREFACE

As a major part of its strategy to assist states and localities to improve their licensing practices and provide day care licensing personnel current data for decision-making, the Administration for Children, Youth and Families (ACYF) initiated a multi-year Comparative Licensing Study (CLS) in FY 1976. The study was designed to provide a data base to allow assessment of state and local capacities in licensing.

The final report of the first phase of the CLS was completed in 1978. This multi-volume report included (1) an Overview and Comparative Analysis of State and Federal Regulations, and (2) two appendices, Appendix A, Profiles of State Day Care Licensing Requirements and Summary Tables, and Appendix B, State Day Care Legal Histories. The information in these six volumes is referred to as the CLS Principal Documentation. It represents the day care licensing data base, and was designed for periodic update. Copies of the final report were provided to (1) administrators responsible for licensing day care facilities in each state, (2) the office of each State's Attorney General, (3) the ten ACYF Regional Offices, and (4) approximately one hundred other agencies and individuals involved in day care licensing.

In order to keep the day care licensing data base current, ACYF initiated efforts to update Appendix A (State Profiles of Day Care Licensing Requirements and Summary Tables). This activity was recently completed. It expands the data base, improves the format and updates state requirements through March, 1981. This information will be useful to state and local day care licensing personnel and others interested in upgrading the quality of child care.

Lucy C. Biggs

Lucy C. Biggs
Associate Commissioner
Office of Developmental Services
Administration for Children, Youth
and Families

November 23, 1982

June 17, 1983

ACKNOWLEDGEMENTS

I would like to express my appreciation to the staff of Lawrence Johnson and Associates, Inc., for their work in completing the Comparative Licensing Study, and to thank, in particular, Dr. Paulette Coleman for her assistance to me in bringing the project to a successful conclusion. I would also like to acknowledge the efforts of Marzena Brown and Allen N. Smith, former Government Project Officers, in the seminal early phases of data collection, analysis and report preparation.

Raymond C. Collins

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Except where otherwise noted, all citations are from the Alabama Department of Pensions and Security, Minimum Standards for Day Care Centers and Night-Time Centers, November, 1978.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

ALA. CODE §38-7-2 Definitions.
Facility For Child Care or Child-Care Facility. A facility established by any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody, in any facility as defined in this chapter, established and maintained for the care of children.

Day Care Center. Any child-care facility receiving more than six children for daytime care during all or part of a day. The term "day care center" includes, but is not limited to, facilities commonly called "child-care centers," "day nurseries," "nursery schools," "kindergartens" and "play groups," with or without stated educational purposes. Such term further includes, but is not limited to, kindergarten or nursery schools or other daytime programs operated as a part of a private school and receiving more than six children younger than lawful school age for daytime care for more than four hours a day, with or without stated educational purposes. ...

Day Care Home. A child-care facility which is a family home and which receives no more than six children for care during the day.

112. Exclusions and Exemptions

ALA. CODE §38-7-2 Definitions.

Day Care Center.... The term does not include:

> Kindergartens or nursery schools or other daytime programs operated by public elementary systems or secondary level school units or institutions of higher learning;
>
> Kindergartens or nursery schools or other daytime programs, with or without stated educational purposes, operating no more than four hours a day and receiving children younger than lawful school age;
>
> Kindergartens or nursery schools or other daytime programs operated as a part of a private school and receiving children younger than lawful school age for four hours a day or less, with or without stated educational purposes;
>
> Facilities operated for more than four hours a day in connection with a shopping center or service or other similar facility, where transient children are cared for temporarily while parents or custodians of the children are occupied on the premises or are in the immediate vicinity and readily available; provided, however, that such facilities shall meet local and state fire and health requirements;
>
> Any type of day care center that is conducted on federal government premises; or

Special activities programs for children of lawful school age including, but not limited to, athletics, crafts instruction and similar activities conducted on an organized and periodic basis by civic, charitable and government organizations; provided, however, that local and state fire and health requirements are met.

III Regulations.

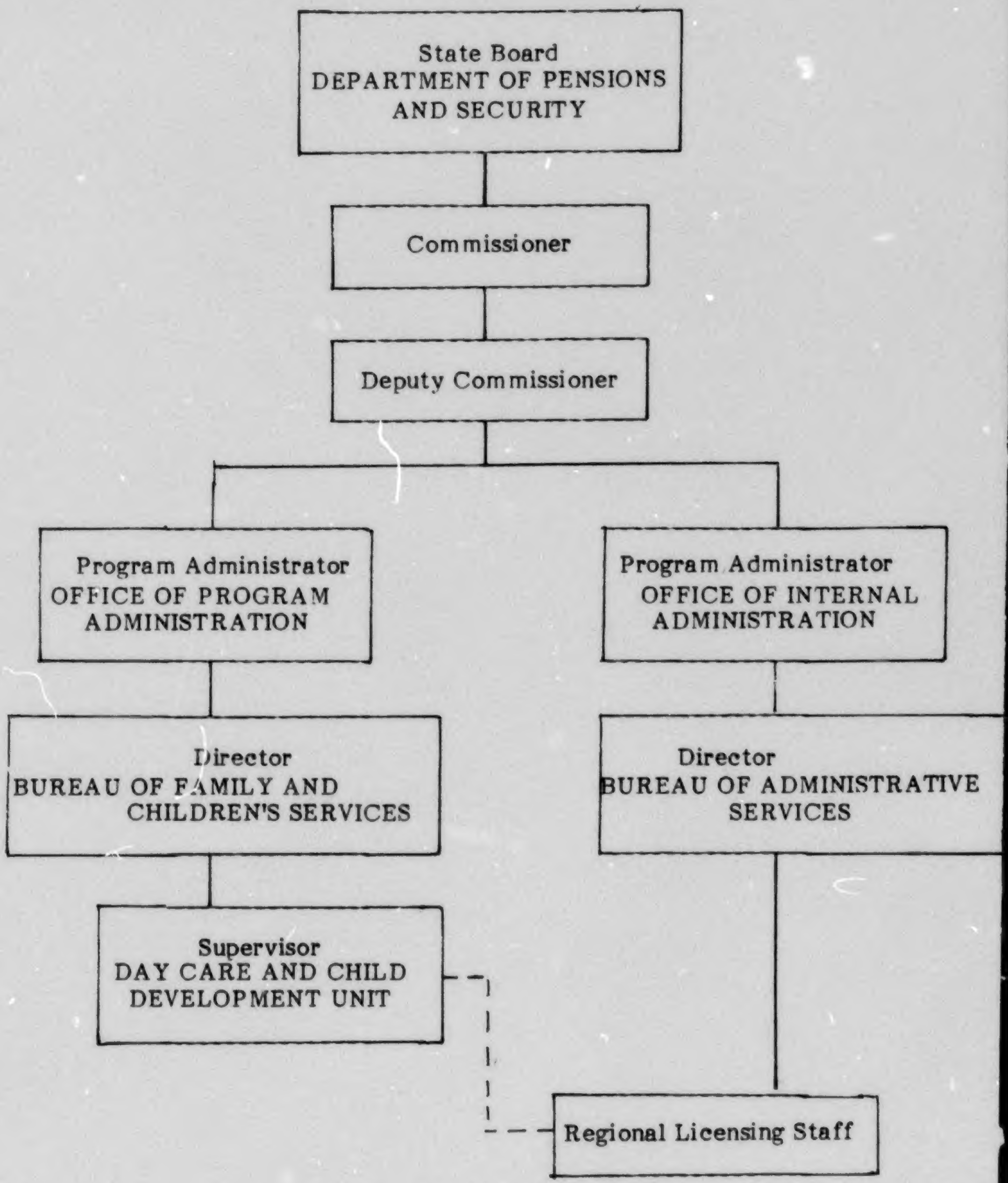
Nothing in these prescribed regulations shall give the State Department of Pensions and Security authority to regulate, control, or supervise the content of any religious instruction of any day care center or nighttime center.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit


State Board
DEPARTMENT OF PENSIONS AND SECURITY
Commissioner
Deputy Commissioner
Program Administrator
OFFICE OF PROGRAM ADMINISTRATION
Program Administrator
OFFICE OF INTERNAL ADMINISTRATION
Director
BUREAU OF FAMILY AND CHILDREN'S SERVICES
Director
BUREAU OF ADMINISTRATIVE SERVICES
Supervisor
DAY CARE AND CHILD DEVELOPMENT UNIT
Regional Licensing Staff

In Alabama, the three counties of Jefferson, Madison, and Mobile conduct licensing programs autonomously using the state regulations. In these counties, the Child Welfare Director is ultimately responsible for the day care licensing programs with support and technical assistance from the state central office. The day to day licensing functions for the remainder of the state are handled by staff located in the two regional offices of Morgan County and Jefferson County and the state central office. The regional staff are under the direct supervision of the state central office. All issuances and revocations are handled by state central office staff.

122. Responsible Official

All inquiries should be addressed to:

Supervisor, Day Care and Child Development Unit
Bureau of Family and Children's Services
Office of Program Administration
Department of Pensions and Security
64 North Union Street
Montgomery, Alabama 36130
(205) 832-6150

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

ALA. CODE §38-7-7 Same—Department To Establish Minimum Standards For Licensing; Factors To Be Considered; Children In Need Of Special Treatment; Department To Offer Consultation.

The department shall prescribe and publish minimum standards for licensing and for approving all child-care facilities, as defined in this chapter.

> In establishing such standards the department shall seek the advice and assistance of persons representative of the various types of child-care facilities....
>
> The department, in applying standards prescribed and published, as herein provided, shall offer consultation through employed staff or other specified persons to assist applicants and licensees in meeting and maintaining minimum requirements for a license and to help them otherwise to achieve programs of excellence related to the care of children served.

212. Advisory Body and Other Community Participation

See 211. Promulgation of Regulations

220. LICENSING PROCEDURE

221. Application and Issuance

ALA. CODE §38-7-4 Same--Application; Investigation; Application To Operate Foster Family Home May Be Made To Licensed Child-Placing Agency.

Any person, group of persons or corporation who or which receives children or arranges for care or placement of one or more children unrelated to the operator shall apply for a license or for approval to operate one of the types of child-care facilities defined in this chapter.

Application for such license or approval to operate a child-care facility shall be made to the department in the manner and on forms prescribed by it. The department, upon receiving such application, shall examine the premises of the child-care facility, including buildings, equipment, furnishings and appliances thereof and shall investigate the persons responsible for the care of children therein. If, upon such examination of the facility and investigation of the persons responsible for care of children, the department is satisfied that the facility and the responsible persons reasonably meet standards prescribed for the type of child-care facility for which application is being made, the department shall issue a license or an approval in the proper form designating on said license or approval the type of child-care facility and, except for a child-placing agency, the number of children to be served at any one time....

ALA. CODE §38-7-5 Same—Issuance And Term; Temporary Permits.
Licenses or approvals shall be issued in such form and manner as prescribed by the department and are valid for two years from the date issued, unless revoked by the department or voluntarily surrendered by the licensee, or by the child-care facility designated on the notice of approval.

222. Fee Charged

Not specified

223. Areas of Investigation

See 221. Application and Issaunce

224. License Renewal

ALA. CODE §38-7-6 Same—Renewal; Reexamination; Renewal Of Approval Of Boarding Home.

A licensed or approved child-care facility operating under this chapter shall apply for renewal of its license or approval, the application to be made to the department on forms prescribed by it; provided, however, that application for renewal or approval of a boarding home may be made to the licensed child-placing agency which issued the approval.....

225. Conditional/Provisional Licenses

ALA. CODE §38-7-5 Same—Issuance And Term; Temporary Permits.
The department may issue a six-month permit to a facility for child care to allow such facility reasonable time to become eligible for a full license.

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

ALA. CODE §38-7-11 Inspection Of Facilities.
The department shall have the right and its authorized representatives shall be afforded reasonable opportunity, to inspect any child-care facility seeking a license or an approval or a six-month permit; any child-care facility seeking a renewal of a license or an approval or a six-month permit, and any child-care facility which is operating under a license or an approval or a six-month permit. Such inspection shall include, but not be limited to, premises, services, personnel, program, accounts and records, interviews with agents and employees of the child-care facility being inspected and interviews with any child or other person within the custody or control of said child-care facility. Such inspection shall be made at any reasonable time, without prior notice, and as often as necessary to enforce and administer the provisions of this chapter.

It shall be the duty of the department, through its agents, to conduct the inspections authorized hereinabove. If any such inspection of a licensed or approved child-care facility discloses any condition, deficiency, dereliction or abuse which is, or could be, hazardous to the health, the safety or the physical, moral or mental well-being of the children in the care of the child-care facility being inspected, the same shall at once be brought to the attention of the department, and the department shall have the power to revoke without notice the license or approval or six-month permit of such child-care facility. In this event, the child-care facility shall not operate during the pendency of any proceeding for fair hearing or judicial review, except under court order.

232. Denial, Suspension, Revocation of a License

ALA. CODE §38-7-8 Same—Revocation Or Refusal To Renew License—Grounds.

The department may revoke or refuse to renew the license or the approval of any child-care facility or refuse to issue a full license to the holder of a six-month permit should the licensee or the child-care facility designated on the notice of approval or the holder of a six-month permit:

> Consistently fail to maintain standards prescribed and published by the department;
>
> Violate the provisions of the license issued;
>
> Furnish or make any misleading or any false statements or report to the department;
>
> Refuse to submit to the department any reports or refuse to make available to the department any records required by the department in making investigation of the child-care facility for licensing purposes; provided, however, that the department shall not revoke or refuse to renew a license in such case unless it has made written demand on the

person, firm or corporation operating the facility requesting such report or reports and such person, firm or corporation fails or refuses to submit such records for a period of 10 days;

Fail or refuse to submit to an investigation by the department;

Fail or refuse to admit authorized representatives of the department at any reasonable time for the purpose of investigation;

Fail to provide, maintain, equip and keep in safe and sanitary condition premises established or used for child care as required under standards prescribed by the department, or as otherwise required by any law, regulation or ordinance applicable to such facility;

Refuse to display its license or permit; or

Fail to maintain financial resources adequate for the satisfactory care of children served in regard to upkeep of premises and provisions for personal care, medical services, clothing, learning experience and other essentials in the proper care, rearing and training of children.

ALA. CODE §38-7-10 Same--Investigation Of Operation Without License; Report To Attorney General For Prosecution.

Whenever the department is advised or has reason to believe that any person, group of persons or corporation is operating a child-care facility without a license or an approval or a six-month permit, it may make an investigation to ascertain the fact. If it finds that the child-care facility is being operated or has operated without a license or an approval or a six-month permit, it shall report the results of its investigation to the attorney general and to the appropriate district attorney for prosecution; provided however, that the department may delay in making said report to the attorney general for a reasonable period of time, not to exceed 60 days, in order to give the person, group of persons or corporation operating the child-care facility reasonable opportunity to apply for a license or an approval or a six-month permit, and therefore, to meet the standards prescribed in this chapter.

233. Remedies and Sanctions

233.1 Hearings

ALA. CODE §38-7-9 Same—Aggrieved Party Entitled To Hearing; Review Of Final Decision Of Action Of Department; Bond; When Decision May Be Set Aside; Section Not Applicable To Boarding Homes and Free Homes.

In the event a party or an applicant for a license or a licensee is denied a license or a renewal of a license or has a license suspended or revoked for the operation of a child-care facility required by this chapter to be licensed by the department, or in the event an application for such a license or renewal of a license is not acted upon with reasonable promptness, or in the event an approval required by this chapter to be issued by the department is denied or revoked or unduly delayed, any aggrieved party may appeal to the department for a fair hearing of his case. Notice and opportunity for a fair hearing and notice of right to counsel shall be given the appellant by the department, and at this hearing any party at interest may appear and present any relevant facts. The decision or action of the department on any fair hearing on any such appeal shall be final and binding and shall be complied with.

Any party aggrieved by a final decision or action of the department refusing to grant or to issue, or suspending or revoking a license or an approval for the operation of any child-care facility required by law to be licensed or approved by the department is entitled to a review of such final decision or action by filing a complaint with the circuit court in the county in which the child-care facility is located or in the circuit court of Montgomery County, Alabama. All such complaints shall be filed within 30 days from the date of such final decision or action, and a review shall be granted as a matter of right upon the filing with the department of a bond for security of costs of said review and upon filing said complaint both with the register or clerk of the circuit court, as designated herein above, and with the department. The court may set aside the final decision of the department only upon a finding of the court that such final decision was illegal, capricious, or unsupported by the evidence. Upon motion of either party or upon its own motion the court may at its discretion take additional evidence. The provisions of this section shall not apply to boarding homes and free homes as defined in this chapter.

233.2 Decisions
See 233.1 Hearings

233.3 Judicial Review

ALA. CODE §38-7-16 Penalties; Burden Of Proof Or Relationship.
Any person, group of persons, association or corporation who:

Conducts, operates or acts as a child-care facility without a license, or a six-month permit or an approval to do so in violation of the provisions of this chapter;

Makes materially false statements in order to obtain a license or permit;

Fails to keep the records and make the reports provided under this chapter;

Advertises any service not authorized by the license or permit held;

Publishes any advertisement in violation of this chapter;

Receives within this state any child in violation of section 38-7-15;

Violates any other provision of this chapter or any reasonable rule or regulation adopted and published by the department for the enforcement of the provisions of this chapter, shall be guilty of a misdemeanor and shall be fined not less than $100.00 nor more than $1,000.00 or be imprisoned in the county jail not longer than one year, or both, and, in case of an association or corporation, imprisonment may be imposed upon its officers who knowingly participated in the violation.

ALA. CODE §38-7-17 Duty Of District Attorney To Enforce Chapter Or Prosecute Violations.

It shall be the duty of every district attorney or assistant district attorney within the circuit, county or other territory for which he is elected or appointed to institute action for the enforcement of the provisions of this chapter or to prosecute action for the violation of the provisions of this chapter, or both.

See also 233.1 Hearings

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

ALA. CODE §38-7-14 Reports By Child-Care Facility.

Every child-care facility shall make reports to the department on forms prescribed by the department and at times required by the department, giving information pertaining to the children under care and such other facts as the department may require.

A Administration.

The governing authority's responsibilities shall include, but need not be limited to, the following:

Authorize a representative to apply to the Department for a license to operate a center and assume final authority and responsibility for the operation of the center in accordance with prescribed standards.

Establish written operating and personnel policies of the center.

Provide operating funds.

Develop a projected year's budget prior to the time of initial licensing, and for each current fiscal year following.

Employ a director and delegate to her/him the authority to administer the center.

Written operating policies shall include, but need not be limited to, the following:

statement of purpose, function, and description of program (e.g., health, nutrition, education, etc.).

discipline of children.

hours and days the center is in operation (including holidays).

admission procedures and requirements.

plan for arrival and departure of children.

fee payment plan and refund practices.

procedure for termination of services, by center or parent(s).

policy concerning illnesses of children, non-admission and re-admission.

requests concerning children's personal belongings, etc.

transportation of children, if provided.

emergency plans for medical emergency, power failure, storms, fire, etc.

plan regarding provision of diapers, clothing and formula, if center is licensed for infant-toddler care.

procedures parent(s) or guardian(s) may use to make a complaint.

administration of medication.

periods of the day when parent(s), guardian(s) and others may visit.

name of person(s) at the center whom parent(s) or guardian(s) should contact in reference to the child.

plan regarding provision of food.

The center shall, in practice, offer the type of services and program which the operating policies outline.

The parent(s) or guardian(s) shall be provided a copy of the center's operating policies prior to the child's admission.

A monthly report shall be sent to the Department, not later than the fifth day of the month following the month for which the report is made.

The following shall be reported to the Department prior to occurrence:
change in ownership, directorship, or chief officership of the Board.

Change in location and/or alterations to buildings.

major change or extension of basic operating schedule or program.

The following shall be reported to the Department within 24 hours after occurrence, with written explanation to follow within five (5) days:

death or serious injury requiring follow-up medical treatment by any child or staff member while at the center.

major damage to the facility.

any litigation involving the center.

312. Telephone

C Facilities.
There shall be a telephone in the center when telephone service is available in the community.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Not specified

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS

341. Children

A Administration.

The records shall be filed for each child and staff member, in alphabetical order.

Records on children, filed in the center, shall include, but need not be limited to:

pre-admission enrollment information, signed and on file in the center prior to the day of attendance. The form shall include at least:

Child's full name, preferred name(s), birthdate, age, and current address.

name and address of the parent(s) or guardian(s) and of any other person or agency responsible for the care of the child.

telephone numbers or instructions as to how parent(s) or guardian(s) may be reached during the time the child is in the center.

name, address, telephone number and relation of person(s) to whom the child may be released from the center.

name, address, and telephone number of the child's doctor.

child's admission and withdrawal information.

child's special interest, habits, and progress.

signed parent agreement information, including at least the following:

authorization for center staff to obtain emergency medical treatment for the child.

authorization for child to participate in, and to be transported to and/or from school or center on "away from center" field trips, or other activities, if included in center's program.

request and authorization for transportation of child to and from home, if service is provided by the center and desired by the parent(s) or guardian(s).

medical information, as required.

records of injury occurring at the center, which require professional medical attention and/or hospitalization.

342. Staff

A Administration.

The director's record shall include at least a medical examination report, three reference contacts and written verification of training/education. This record shall be maintained by the licensing agency. All employees' records shall include at least:

The application for employment

Information regarding the character and suitability of the person to work with children inclusive of

Recording of impressions gained through interviews with the individual to be employed, particularly his/her attitudes regarding child care.

Reference contacts: statements from three unrelated references, including at least one previous employer, if employed. A written report shall be made concerning any oral reference contacts.

Written verification of training/education.

Medical information as required.

Name, address and telephone number of person(s) to contact in case of an emergency involving applicant.

A written report of any misconduct or dereliction of duty, including the investigation procedure followed and the disposition made.

Daily attendance records on staff and children shall be maintained.

343. Child Eligibility and Enrollment Requirements

A Administration.
The number and age range of the children in the center shall conform to that which is specified on the license.

If the center accepts children for irregular (drop-in) care, all of the following conditions shall be met:

vacancies in the group to which the children will be assigned.

a maintained child-staff ratio as required.
required records maintained and filed.
advance plan of care made by parent or guardian.

344. Child Abuse Reporting

A Administration.

Any staff member shall report to the County Department and to the Bureau of Family and Children's Service any knowledge or suspicion of harm or threatened harm to a child's health or welfare through non-accidental physical or mental injury, sexual abuse, or attempted sexual abuse; negligent treatment or maltreatment of a child, including failure to provide adequate food, medical treatment, clothing or shelter. Such report shall be made immediately by telephone or direct oral communication followed by a written report as required under penalty of 26-14-11 through 26-14-13, Code of Alabama 1975.

C Child Care Program.

Any evidence of suspected child abuse/neglect shall be recorded in the child's record and reported.

345. Confidentiality of Records Requirements

A Administration.

All staff and children's records shall be kept confidential. The board members, staff members, and employees of the day care center or nighttime center shall not discuss or disclose personal information regarding children and facts learned about children and their relatives except (a) with the parents or the person or persons authorized by the parents to receive such information, (b) with the agency assisting the parents with planning for the child, and (c) the Department of Pensions and Security.

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

D Child Care Program.

Child-staff ratio and grouping shall be according to the following:

(1) Age of Children	Child-Staff Ratio	Children in Group
3 weeks to 2 1/2 years	1 staff person to 6 children	6
2 1/2 years to to 4 years	1 staff person to 10 children	10
4 to 6 years	1 staff person to 20 children	20
6 to 8 years	1 staff person to 22 children	22
8 years and older	1 staff person to 25 children	25

(2) Children younger than age 2 1/2 shall be grouped separately.

412. Methods of Computing Staff/Child Ratios

D Child Care Program.

Child-staff ratio and grouping shall be according to the following:

> When multiple-age grouping is used, child-staff ratio and group size shall be according to the age of the youngest child in the group if more than 10% of the children are in the youngest age category. If children in the youngest age category make up 10% or less of the group, staffing and group size shall be according to the next highest category.

Staff, such as director and service staff, shall be counted in the child-staff ratio only during the time when they are giving full attention to direct supervision of children.

Staff coverage shall be determined by the following:

> All children shall have staff supervision at all times.

Each staff member giving care to infants and toddlers shall be assigned the responsibility of caring for the same infants/toddlers daily.

When a regular staff person is absent, there shall be a substitute present in order to maintain the regular child-staff ratio.

During the director's absence, an adult staff member, meeting at least child care worker qualifications, shall be designated as the responsible person.

One staff person shall be present in each room of children during napping/resting time.

The number of napping/resting children, ages 2 1/2 and older, shall not exceed 40 per staff person.

Child-staff ratio shall be one staff person to 10 children during naptime for children from one to 2 1/2 years of age.

A staff member at least 19 years of age shall be present in the day care center during all hours of operation.

There shall be a second person age 16 or above available in the day care center building or on the premises, whenever 7 or more children are present.

The operator shall have emergency staff on call in case it is needed during the time there is only one adult staff member at the center.

The operator shall have on file identifying information regarding the emergency help. This information shall include name, address, telephone number, age, and reference data.

No staff person shall be on duty with the children for more than 8 continuous hours, on a regular basis.

Staff members shall be free from all other duties during the hours they are working with the children.

Volunteers working 3 hours or more per day shall be eligible, if other qualifications are met, to assume responsibilities of a child care worker and shall be counted in the child-staff ratio.

Volunteers working less than 3 hours per day shall work in assisting positions with the regular child care worker.

Volunteers working less than 3 hours per day with infant and/or toddler groups shall not be counted in the child-staff ratio.

420. GROUP SIZE

421. Group Size as of March, 1981

See 411. Staff/Child Ratio as of March, 1981

422. Methods of Computing Group Size

See 412. Methods of Computing Staff/Child Ratios

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

B Staff.
Child care workers or teachers who have primary responsibility for the care of groups of children shall be at least 18 years of age....

512. Health

B Staff.

Each staff member including substitutes and volunteers who are counted in child staff ratio shall provide a statement from a licensed practicing medical doctor or a physician's assistant initially and every two years thereafter. The initial statement must be dated within 12 months prior to employment and shall document the date and results of a VDRL test and a tuberculin skin test or chest x-ray. The statement shall attest to the physical suitability of the staff person to care for children and the person's freedom from infectious and contagious diseases. The statement shall be signed by the licensed practicing medical doctor or the physician's assistant and shall be on file in the center....

Subsequent to the initial statement and at least annually thereafter, each staff person shall have a VDRL test and a tuberculin skin test or chest x-ray. Follow-up testing and/or treatment for persons with reading of 5mm or more shall be made at the discretion of the attending physician or area tuberculosis coordinator. Certification of results, from a licensed practicing medical doctor, health department or military clinic personnel, shall be on file in the center.

Staff members with symptoms of a communicable disease or illness shall not be present in the center.

A staff member who, upon examination or as a result of tests, shows indication of a physical, emotional, or mental condition which could be detrimental to the children or staff or which would prevent satisfactory performance of duties, shall not continue work at the day care center until the condition is cleared to the satisfaction of the examining licensed practicing medical doctor.

513. Education

B Staff.

Child care workers who have primary responsibility for the care of groups of children shall have the following training and/or experience:

when a group of children includes only infants to 2 1/2 years old, the child care worker shall have at least a 10th grade education.

when any or all of the children in the group are age 2 1/2 or older, the child care worker shall have a high school diploma or general education diploma.

Aides/assistant teachers who assist with groups of children, shall be at least 16 years of age and shall:

have at least an 8th grade education.

work under the direct supervision of a person qualified as a child care worker.

514. Experience

See 513. Education

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

B Staff.

The director shall be at least 19 years of age.

522. Health

See 512. Health

523. Education

B Staff.

The director shall have at least a high school diploma or general education diploma. It shall be possible for the responsibilities of director and program director to be assumed by the same person provided all qualifications are met for each position. If the director does not meet the qualifications of a program director, then a program director shall be employed.

The program director shall have at least the following training and/or experience:

a high school or general education diploma, 1 year's verifiable experience, as child care staff, in a licensed or approved day care center: OR

a high school diploma or general education diploma and a written Department approved plan for successful completion of at least 40 clock hours of training in child care within one year following employment: OR

verification of successful completion of at least 40 clock hours of training in child care, included in, or in addition to, the high school or general education diploma; OR

a bachelor's degree from a college or university, in addition to successful completion of at least 20 clock hours of child care training or a Department approved plan to complete at least 20 clock hours of child care training within 6 months following employment, or at least three months' verifiable experience, as a child care staff, in a licensed or approved day care center; OR

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successful completion of at least 20 clock hours of child care training or a Department approved plan to complete at least 20 clock hours of child care training within 6 months following employment or three months' verifiable experience, as child care staff, in a licensed day care center, in addition to, or included in, the completion of the sophmore year in child development or early childhood education at a college or university; OR

a bachelor's degree in child development or early childhood education from a college or university.

524. Experience

See 523. Education

530. SUPPORT STAFF QUALIFICATIONS

B Staff.

Supplementary staff used in the early morning and late afternoon hours shall be at least 16 years of age, and work under visual supervision of a person meeting at least child care worker qualifications.

Service staff, such as cooks, maids, custodians, and drivers shall be able to read and write.

Assisting professional staff, such as physicians, nurses, caseworkers, counselors, nutritionists, dentists, psychologists, and psychiatrists, employed or used by the day care center shall be qualified and/or licensed in their respective professions.

Substitute staff shall meet age qualifications as required for regular staff.

Centers using volunteers shall meet the following conditions:

a written and Department approved plan for the orientation, training and use of volunteers, shall be developed and implemented.

a staff member shall be designated to assign, supervise, and evaluate each volunteer.

a schedule of the hours and activities of the volunteers shall be kept on file.

all volunteers who are counted in the child-staff ratio shall meet all qualifications required of regular staff.

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

B Staff.

Training shall occur through, but need not be limited to the following means:

staff communication at planned scheduled meetings.

materials concerning child growth and development/early childhood education, available for, and used by staff.

542. Child Caregiver Staff

See 541. Program Director

543. Support Staff

See 541. Program Director

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

There shall be a posted written daily plan or schedule of the day for each group of children.

Indoor and/or outdoor experiences such as creative art, rhythm and music, books and stories, discussion, natural science, block building, home living, manipulative toys and games, water play, climbing, riding, sand and digging, shall be available.

Indoor and/or outdoor experiences for school-age children, such as creative art, music, story and discussion, science, dramatic play, crafts and games, recreational sports, and real tasks, such as cooking, sewing or wood working, shall be available.

There shall be periods of indoor work-play time when the children shall be permitted to proceed from one activity to another, alone or in small groups.

Pre-school and school-age children shall spend time out of doors daily when weather permits.

There shall be periods of vigorous activity and opportunity for quiet play.

There shall be daily periods of staff-directed activity planned according to the child's stage of development.

Provisions shall be made for a quiet area, somewhat removed, for use by children desiring to be alone or to work on homework.

The staff shall encourage the child's independence in routines and activities by assigning simple housekeeping duties, offering planned activities and projects, etc.

The staff shall encourage conversation among children.

The staff shall give individual attention to each child daily, such as conversation between staff and child.

Radio and television shall be used only when they supplement and enhance the daily plan for the children. No child shall be required to watch television.

The staff shall assist the child needing help during the early morning and late afternoon periods in coping with separation from parents and usual end-of-the day fatigue.

In cases when children participate in "away from center" activities, there shall be a written plan from the child's parent(s) or guardian(s) and agreed to by the staff concerning:

> the number and type of community activities in which the child shall participate, and means of transportation to be used.
>
> the amount and kind of freedom allowed for the child using the center as "home base."
>
> The staff shall note that the child arrives at the center from school or "away from center" activities when expected and shall follow up on his/her whereabouts, if late.

612. Program Equipment and Materials

C Facilities.
The furniture shall be child size related to the age range of children in care.

There shall be table space for each child who is able to sit at the table.

There shall be a straight chair, with a back, without arms, for each child who is able to use a chair.

A feeding chair shall be provided for children who do not eat at the table.

There shall be a staff rocking chair for each six or fewer children under age 1 1/2 and for each 12 or fewer children between the ages of 1 1/2 and 2 1/2 years.

There shall be a crib provided for each infant, and a washable cot for each child ages toddler to lawful school age. Each crib shall have a water-proof mattress.

Each cot and crib shall be equipped with a bottom sheet and an additional sheet or covering for the child.

Indoor equipment shall be arranged in an orderly manner, in designated activity areas, such as home living, books, blocks, and stories, music, art, manipulative toys and games, and science and nature, for each group of children between age 2 1/2 and school age.

Playrooms shall be arranged to provide space for large muscle activity.

613. Nap Provision

D Child Care Program.
The staff shall recognize differing needs of children for sleep/rest.

Rest period shall not be less than 45 minutes and shall not exceed 3 hours.

Chidren who do not sleep after 45 minutes of rest shall be permitted to engage in quiet activities.

Cots used by any pre-school child shall be cleaned and the sheets washed before use by another child.

Clean sheets shall be provided at least once each week and as frequently as needed when wet or soiled.

614. Discipline and Guidance

D Child Care Program.
Disciplinary practices shall be according to the following requirements:

Limits or rules shall be few and they shall be understandable to the children to whom they apply.

Staff shall agree on acceptable and unacceptable behavior and on limits set.

Expected behavior shall be on the child's level.

Discipline shall be consistent and fair.

No corporal/physical punishment shall be used.

Punishment shall not be associated with food, naps, or bathroom procedures.

Techniques of punishment shall not be humiliating, shaming, or frightening to the child.

Punishment shall be related to the misbehavior and it shall be administered immediately by the worker primarily responsible for the child.

No verbal abuse, threats, or derogatory remarks about the child or his/her family shall be used.

A kind, firm voice shall be used.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

C Child Care Program.

Children's hands shall be washed with soap and water before snacks and meals, and after toileting. Children's hands and faces shall be washed after meals.

Staff shall wash their hands with soap and water before food preparation and/or service and after assisting with toileting or diapering.

Paper towels, or individual wash cloths, shall be supplied for each washing.

Each infant and toddler shall have at least two washcloths, one for washing child prior to diapering, and one for face washing; and an individual towel.

Each child's toilet articles (such as combs, cloths, or toothbrushes) shall be identified, kept separated, and in sanitary condition.

Facial tissues shall be disposed of immediately following each use.

Healthy animals, which present no apparent threat to the children, shall be permitted on the premises, unless prohibited under local health ordinances.

A qualified veterinarian shall certify that the animals have been inoculated against rabies, when required.

Cages and other areas used to confine animals shall be kept clean.

712. Health Assessments

C Child Care Program.
Results of medical examination, screening or assessment shall be on file.

Each child shall have, within 12 months prior to admission and annually thereafter, a physical examination or medical screening or assessment (such as EPSDT). The physical examination shall be performed by a licensed, practicing medical doctor or physician's assistant. The assessment shall be performed by a licensed, practicing medical doctor, other medical personnel who are administratively responsible to a licensed, practicing medical doctor, or a licensed Registered Nurse who has access to consultation on a regular, planned basis from a licensed, practicing medical doctor. Documentation of the availability and frequency of consultation must be in written form.

For infants under one year, a physical examination, screening or assessment shall be required semi-annually.

Record of the examination, screening or assessment, dated and signed by the appropriate medical staff, and additional information provided by the parent(s) or guardian(s), concerning health matters which would affect the child's participation in, or adjustment to, the day care program, shall be on file in the center prior to the child's admission.

In situations where medical services are not available, written verification of appointment to receive needed examination shall be substituted temporarily, and shall be on file.

713. Immunizations

C Child Care Program.
Record of immunizations and tests if indicated shall be on file.

Each child shall have immunizations according to the schedule prescribed by the Alabama Department of Public Health.

Written certification from a licensed, practicing medical doctor, physician's assistant, health department, or military clinic personnel that the child's immunizations and tests are current shall be on file in the center prior to the child's admission OR one of the following conditions shall be met:

> A written statement from a licensed, practicing medical doctor, physician's assistant, health department or military clinic personnel that required immunizations have been begun, and will be completed as soon as is medically feasible shall be on file in the center; OR
>
> Where immunizations are waived (on religious or medical grounds), a written statement requesting waiver and signed by the child's parent(s) or guardian's), or licensed practicing medical doctor or physician's assistant, respectively, shall be on file in the center.

714. Sanitation

C Facilities.
Cleaning shall be done daily.
Cleaning shall not interfere with children's activities.

715. Daily Illness Screening

C Child Care Program.
Health inspections shall be made prior to admittance.

Designated staff shall obtain consultation at least annually from a licensed practicing medical doctor, physician's assistant, Registered Nurse or health department personnel to obtain instruction regarding health inspections of children.

No child who appears ill shall be admitted to the center.

716. Care of Sick Children

C Child Care Program.
Any child in attendance who becomes ill shall be isolated promptly from the group, but have continuous supervision by a staff member.

The ill child's parents shall be notified immediately and required to come for, or arrange for another designated person to come for, the child.

When a communicable disease has been introduced into the center, parent(s) or guardian(s) of exposed children shall be notified.

The center shall urge parent(s) or guardian(s) to notify center when their child is known to have been exposed to a communicable disease outside the center.

The center shall report any known/suspected case of communicable disease to the local health department.

A child who does not appear to be fully recovered from an illness shall not be re-admitted to the center without a statement from an attending physician or physician's assistant that the child is able to return and participate in the activities of the center, or is no longer infectious.

717. Medication and Special Diet Provisions

C Child Care Program.
Authority and procedure for administering medication shall be clearly defined.

When parents or guardians of the children are unavailable to administer medication, one designated staff person shall be authorized to administer medication.

Medication and/or special medical procedures shall be administered to a child by the designated staff person only when there is a written, signed, and dated request from the parent(s) or guardian(s) including time of last previous dosage.

Any prescription drug sent to the center shall be in its original container and clearly labeled with the child's name and directions for administering the drug.

All medicines or drugs shall be kept in locked cabinets, inaccessible to the children, and removed from the premises when no longer being used.

Time of all medication dosages administered at center shall be provided, in writing, for child's parent(s) or guardian(s).

718. Waiver of Health Requirements

See 713. Immunizations

720. SAFETY

721. General Safety Requirements

C Facilities.
Floors shall have a non-slippery surface, free of splinters and other hazards.

All flammable and other dangerous substances, potential poisons, medications, firearms and ammunition, if kept, shall be stored in locked cabinets accessible only to authorized persons.

Stairways shall have hand railings at child height.

All paint used in centers shall be free of lead.

There shall be no locks on doors to rooms used by the children.

Clear glass doors shall be plainly marked to avoid accidental impact.

Water temperature at the lavatories used by the children shall not exceed 120 degrees Fahrenheit.

722. Fire Safety Requirements

Not specified

723. Transportation

A Administration.

The center shall have on file written permission from the parent(s) or guardian(s) for transporting the child to and from the home, school, or other designated place, and on center-planned field trips and activities. Written transportation plans for travel shall be on file.

When the center provides transportation to and from the home, the center shall be responsible for picking the child up at the place designated and for delivering the child to the place(s) designated, according to the written transportation plan. Requests for deviation from the regular plan shall be in writing and signed by the parent(s) or guardian(s).

The driver of a vehicle transporting children shall be at least 19 years of age.

The driver shall be legally licensed.

There shall be one staff person in addition to the driver for each six, or less, infants-toddlers being transported.

There shall be one staff person, in addition to the driver, when 7 to 20 children, age 2 1/2 to lawful school age, are being transported.

There shall be two staff persons, in addition to the driver, when more than 20 children, age 2 1/2 to lawful school age, are being transported.

There shall be one staff person, in addition to the driver, when there are more than 30 children of lawful school age and older being transported.

Children shall not be left unattended in a vehicle.

A staff person shall accompany each child under 2 1/2 from the vehicle to the care of a designated person.

Children being transported by the center shall be given the daily health inspection before leaving location where received.

Safety precautions in all vehicles shall be used and operated by the center in transporting children.

Stationary seating space for each child shall be provided, and no child shall sit on the floor. Children shall remain seated while the vehicle is in motion.

Children shall not be permitted to ride in the front seat of a vehicle unless using automobile safety belts.

Children shall board and leave the vehicle from the curb side of the vehicle, onto the curb, or in a protected parking area or driveway.

Doors shall be locked at all times when the vehicle is moving.

Each infant who is not able to sit alone safely shall be fastened securely into a seat bed, which is secured to the floor of the vheicle.

Children in portable (infant) car seats shall be secured with safety belts fastened to the floor.

Children being transported by parent(s), guardian(s) or other designated person(s) shall be accompanied into and out of the center by this parent, guardian, or other person.

724. Safety Requirements for Equipment

C Facilities.
Equipment and furniture shall be in operative condition, free of sharp, loose, or rusty parts.

Equipment shall be easily cleaned and kept in a clean condition.

Equipment used by infants and toddlers shall be free of small parts which could be swallowed.

Toys made of easily breakable materials shall not be used by infants and toddlers.

725. Water Activities (Including Swimming)

C Facilities.

When a swimming pool, exceeding 4 feet of water in depth, is available to the children:

a person holding at least a current Advanced Life Saving certificate shall be on duty at all times when the pool is in use.

written safety rules shall be formulated.

the water shall be clean and treated in compliance with health department regulations. (Swimming pool regulations are available at county health department.)

pools, on the premises, shall be enclosed with a fence.

child-staff ratio for additional supervision shall be:

Age	Child-Staff Ratio
2 1/2 years and under	1 staff person to 1 child
2 1/2 to 7 years	1 staff person to 5 children
7 years and older	1 staff person to 15

When a swimming or wading pool, from 1 to 4 feet of water in depth, is available to the children:

a person holding at least a current Basic Rescue and Water Safety Certificate shall be on duty at all times when the pool is in use.

written safety rules shall be formulated.

the water shall be clean.

child/staff ratio for additional supervision shall be:

Age	Child-Staff Ratio
2 1/2 years and under	1 staff person to 1 child
2 1/2 to 7 years	1 staff person to 5 children
7 years and older	1 staff person to 15

When a wading area less than 1 foot in depth is available to the children:

there shall be continuous supervision by a minimum of 2 staff persons.

the wading area shall be filled with clean water for each day's usage.

The center shall have on file written, signed permission from parent(s) or guardian(s) for all children participating in swimming and wading activities.

726. Emergency Procedures

C Child Care Program.

A written description of procedures to be followed in emergency situations shall be developed and known by all staff members.

The planned source of emergency medical care, such as a hospital emergency room, clinic, or other constantly staffed facility, shall be known to staff and parent(s) or guardian(s).

A vehicle shall be immediately accessible for use by staff members in case of emergencies.

Parent authorization for the center to obtain emergency medical treatment, name and telephone number of physicians designated by parents, telephone number and/or address where parent(s) or guardian(s) may be contacted, and other emergency telephone numbers including hospital emergency room, ambulance service, rescue squad, fire and police departments, shall be posted by the center's telephone so as to be immediately accesible.

727. First Aid Supplies

C Child Care Program.
A copy(s) of the American Red Cross textbook, Standard First Aid and Personal Safety, current edition, shall be readily available in the center.

The center shall maintain emergency first aid supplies for minor cuts and abrasions.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

D Child Care Program.
Children during the first 2 - 5 hours in attendance shall be served a snack unless the period in attendance covers the time a regular meal is served, in which case a meal shall be available to each child present. Children in attendance from 5 - 10 hours shall be served one meal and one or two snacks. Children in attendance for over 10 hours shall be served two meals and one snack.

Each meal shall supply at least 1/3 of the child's daily nutritional requirements.

Changes or adjustments in prepared meal and snack patterns shall be made only with the assistance and approval of a nutritionist or dietitian.

Substitutes to the meal and snack patterns shall be allowed for the child who has a medically diagnosed allergy to any item(s) on the regular menu.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

D Child Care Program.
Menus including a variety of foods shall be planned at least one week in advance and posted in a conspicuous place in the center.

Meals shall be served in a pleasant atmosphere and in a manner which permits the children to assist in serving themselves.

Staff shall sit at the tables with the children at mealtime.

Portions of food served shall be suited to the child's age and appetite. Second portions shall be available.

Children shall not be forced to eat.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

D Child Care Program.

The staff shall be responsible for communicating with the parent(s) or guardian(s) concerning changes in the child's behavior patterns.

Visits to the center by parent(s), guardian(s), and other interested person(s) shall be encouraged.

The center shall be open to visits from parent(s) and guardian(s) at specific periods of the day when it would not disrupt children's activities.

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Infants shall be encouraged to play with and handle a variety of toys.

Infants shall spend time outdoors daily, when weather permits.

Infants shall have daily indoor opportunities for freedom of movement, in an open, uncluttered space.

The staff shall talk to each infant often and encourage him/her to respond.

Cries of infants shall be investigated.

Each infant shall receive daily personal contact and attention such as being held, sung to, rocked, taken on walks.

Each infant's position and/or place shall be changed at least each half hour, when infant is awake.

Each infant shall be allowed to form his/her own pattern of sleeping and waking.

The staff shall plan and provide activities, in accordance with the toddler's developmental level, which shall include, but need not be limited to, stories, music, and creative art.

The staff shall give personal, undivided attention to each toddler daily.

The staff shall talk to each toddler often and encourage him/her to respond.

The staff shall work with each toddler to guide his/her play with a variety of toys.

The staff shall have pleasant physical contact with each toddler.

Toddlers shall spend time outdoors daily, when weather permits.

Toddlers shall have daily indoor opportunities for freedom of movement, in an open, uncluttered space.

Cries of toddlers shall be investigated.

1120. HEALTH AND SAFETY REQUIREMENTS

D Child Care Program - Infants.
There shall be a safe and sanitary diapering procedure.

Wet or soiled diapers and other clothing shall be changed in each child's crib or on a surface which is cleaned and disinfected after each use.

There shall be a plan for the provision of diapers and clothing so that sufficient dry and clean clothing is available for each child.

If parent(s) or guardian(s) supply diapers and are responsible for laundering, soiled diapers shall be rinsed immediately, kept separate from every other child's in plastic bags or plastic lined, covered containers and sent home daily.

If the center supplies diapers and is responsible for laundering, soiled diapers shall be rinsed immediately, placed in plastic lined, covered containers and removed daily for washing. The containers shall be cleaned and disinfected daily.

If disposable diapers are used, they shall be used in a covered container and disposed of daily.

The staff shall not initiate any attempts to toilet train infants.
Placement of cribs shall allow a minimum of 2 feet of space between cribs.

The staff shall begin toilet training toddlers only when the child is able to communicate his/her needs to use the toilet.

Staff shall work together, with parent(s) or guardian(s) to insure a consistent and relaxed toilet training process.

Potty chair recepticles shall be emptied and rinsed after each use, and treated with a disinfectant daily.

1130. INFANT NUTRITION

D Child Care Program - Infants.
A variety of foods shall be offered, at the proper developmental stage, as planned in writing by the child's parent(s) or guardian(s) or by the child's physician with the parent(s)' or guardian(s)' knowledge and consent.

If formula is brought from home it shall be labeled with the child's name, and stored in the refrigerator.

No previously opened baby food jars shall be accepted at the center.

If the center provides formula, it shall be made from commercially prepared products.

Drinking water shall be offered to the infants several times daily.

The feeding schedule shall be in accordance with the infant's needs rather than according to the hour.

The infant shall be held for bottle feeding.

When an infant is able to sit in a chair or feeding table, he/she shall be allowed to do so.

Infants shall be encouraged to experiment with self-feeding with hands and/or spoon.

Each infant's solid foods shall be fed/eaten from a dish.

Dishes and nursing bottles used shall be unbreakable.

Infants shall not be forced to eat.

Food shall not be used as a punishment or reward.

Weaning shall begin only when the child is determined ready by the child's physician and parent(s) or guardian(s).

Parent(s) or guardian(s) and staff shall work together to insure consistency in the weaning process.

The infant shall be allowed to become familiar with drinking from the cup prior to substituting it for the bottle.

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

C Facilities - Building: Indoor Area.
Activity rooms to which the day care children are assigned shall be used exclusively by the children during operating hours. When lunchroom facilities are shared with other groups, children receiving center care shall be seated together, apart from other groups.

There shall be at least 35 square feet of indoor play space for each child. Bathrooms, kitchens, isolation room, office, halls used as passageways, storage areas, and space occupied by cribs and cots shall not be considered when computing play space.

Designated areas of indoor play space shall be provided for each grouping of children.

A separate area(s) shall be provided for children younger than age 2-1/2 years.

Separate areas shall be provided for sleeping infants.

A separate indoor area shall be provided for use by school-age children.

Space shall be provided to isolate an ill or injured child. A cot or crib, bed clothing and play equipment shall be provided in the isolation space, and cleaned following use by an ill child.

Each child shall have individual, labeled storage space. For children age 2 1/2 and older, the space shall be at child level.

Shelving, accessible to the children, shall be provided for the play equipment and supplies, in rooms used by children.

Storage space shall be provided for storage of teacher's supplies, and reserve equipment.

Accessible storage space shall be provided for cots and bedding.

Office space shall be provided for storage of records and to afford privacy for conferences.

C Facilities.

An area for loading and/or parking shall be provided.

Outdoor play space footage shall be:

> a minimum of 50 square feet of space for each child younger than age 2-1/2 years; for centers licensed prior to January 1, 1971, a minimum of 40 square feet.

a minimum of 60 square feet of space for each child 2-1/2 years of age and older.

a minimum of 60 square feet of play area per child for at least one half of the licensed capacity, in centers enrolling 60 or more children, ages 2-1/2 and older.

In unusual circumstances, when the above footage is not available, special permission may be granted by the Department for a partial substitution of a large indoor play area equipped with outdoor-type equipment.

Separate play areas shall be provided for children younger than age 2-1/2 and for school-age children.

Outdoor play areas shall adjoin, or be safely accessible to, the indoor area.

Outdoor play areas shall be enclosed with a fence, or have other protective barriers or boundaries.

Fencing for regular outdoor play space shall be at least 3 feet in height and free from sharp protruding edges.

Fencing for outdoor play space located on the roof shall be enclosed by a fence which meets fire department standards.

Shade and sun areas shall be provided.

All apparent safety hazards shall be eliminated from the outdoor play area.

Concrete or asphalt shall not be used as surface material under climbing structures or swings.

Play area shall be well-drained.

All free-standing play equipment shall be securely cemented into the ground.

The play area shall be free of hazard-producing conditions.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

C Facilities - Building: Indoor Area.
Provisions shall be made to control excessive glare in areas occupied by children. Materials used shall be fire retardant.

Window space shall be at least 1/8 of the floor space unless the building is centrally air conditioned.

Outside windows which open shall be securely screened.

Lighting shall be maintained at a minimum of 30 foot candles of illumination in areas where children are doing close work.

The heating temperature shall be maintained between 68-75 degrees Fahrenheit at child level during cold weather. There shall be an indoor thermometer.

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

C Facilities - Building: Indoor Area.
Bathrooms shall be located on the same floor level and under the same roof as activity rooms.

Number of fixtures for children younger than 2 1/2 years shall be:

one flush toilet for every 15, or fewer, children.
one potty chair for every 5, or fewer, children over 12 months.
one lavatory for every 15, or fewer, children.
one bathinette or tub for every 15 children.

Number of fixtures for children ages 2 1/2 years and older shall be:

one flush toilet for every 15, or fewer, children.
one lavatory for every 15, or fewer children.

The toilets and lavatories shall be child size and height, or shall be adjusted for easy use with sturdy platforms and/or seat adapters, as needed.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

C Facilities - State, Local, and Municipal Codes and Ordinances.
The center facilities shall meet all state, local and municipal codes and ordinances. Written approval shall be obtained from the fire and health departments for the particular kind of center being licensed. Separate approvals by fire and health departments are required for the day care center and for the night-time center. Subsequent inspections after the initial approval shall be made at the discretion of the director, Department representative, or the official of the fire and health departments.

1520. FIRE

See 1510. ZONING

1530. BUILDING

See 1510. ZONING

1540. HEALTH

See 1510. ZONING

1550. SANITATION

See 1510. ZONING

1560. NEW CONSTRUCTION

See 1510. ZONING

Except where otherwise noted, all citations are to the Administrative Code of Alaska, Article 2 - Day Care, February, 1977.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

7 AAC 50.275 Definitions.
"Day care" means the care, supervision, and guidance of a child or children unaccompanied by a parent or legal guardian on a regular basis, for periods of less than 24 hours a day.

"Day care center" means a facility other than an occupied residence, in which day care is regularly provided for any number of children; or an occupied residence in which day care is regularly provided for 11 or more children, counting both children living in the home and children received for day care whether or not they are related to the resident caregiver.

"Day care facility" means a day care center or family day care home as defined in this section, but does not include any establishment whose primary purpose is educational.

"Family day care home" means an occupied residence in which day care is regularly provided for no more than 10 children, some of whom are not related to the resident caregiver.

ALASKA STAT. $47.35.080 Definitions.
"Nursery" means any establishment providing care and services for any part of the 24-hour day for a child not related by blood or marriage to the owner or operator, but does not include any establishment whose primary purpose in educational.

112. Exclusions and Exemptions

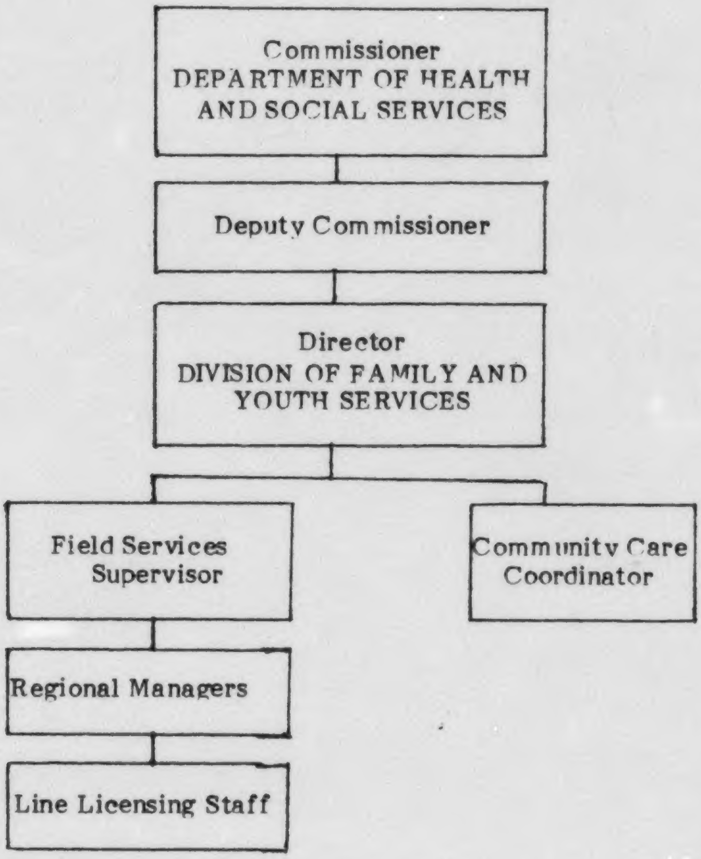
Not specified

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit


Commissioner
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
Deputy Commissioner
Director
DIVISION OF FAMILY AND YOUTH SERVICES
Field Services Supervisor
Community Care Coordinator
Regional Managers
Line Licensing Staff

The line licensing staff in six regions carry out the day to day licensing functions under the line supervision of the regional managers. The Community Care Coordinator has the final authority for issuance of licenses and revocation orders and the approval of waivers. The Department of Education has a joint responsibility with the Department of Health and Social Services for supervision of day care centers and exempt educational programs.

The municipality of Bethel licenses day care centers and family day care homes using its own regulations in lieu of state regulation. The municipality of Anderson operates and regulates its own day care centers in lieu of state regulation. The municipality of Anchorage licenses day care programs in addition to regulation by the State Department of Health and Social Services. The state has no legal authority to monitor the licensing activities of locally delegated communities.

122. Responsible Official

All inquiries should be addressed to:

Community Care Coordinator
Division of Family and Youth Services
Department of Health and Social Services
Pouch H-05
Juneau, Alaska 99811
(907) 465-3206

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

ALASKA STAT. §47.35.030 Authority to Issue Regulations.
The department may adopt regulations and standards consistent with other requirements of law.

This authority does not deny a religious group from establishing and operating an institution solely because of the prior installation or operation of another religious group in the same area. The authority to adopt regulations and standards shall be exercised to insure compliance with the intents and purpose of AS 47.35.010 - 47.35.100. The department may inspect and examine an institution, home or place, or the performance of a service.

212. Advisory Body and Other Community Participation

Not specified

220. LICENSING PROCEDURE

221. Application and Issuance

7 AAC 50.155 Licensing Application Procedures.
An application for a license must be made on a form prescribed from its office in Nome, Fairbanks, Bethel, Anchorage, Juneau, or Ketchikan. The application must be returned to the division office nearest to the location of the facility sought to be licensed.

Upon receipt of a completed application, a division representative will within 60 days review the application, confer with the applicant, inspect the facility for which application is made; and

If the application is for operation of a day care center, request appropriate authorities to verify compliance with applicable fire safety standards, environmental protection standards, building codes, zoning ordinances, or other state and local law; and

If the application is for operation of a family day care home, request an advisory environmental protection or fire safety inspection from appropriate authorities, whenever such an inspection is considered necessary.

When the results of the study and inspections verify that the appropriate provisions of of this chapter have been met, a license will be issued.

7 AAC 50.145 Voluntary Licensure.

A facility for which a license is not required by AS 47.35.020 is entitled to a day care license upon application and satisfactory findings. These include:

> An occupied residence in which day care is regularly provided only to a child or children related to the resident caregiver;
>
> an occupied residence in which day care is regularly provided for four or fewer children unrelated to the caregiver.

7 AAC 50.175 Special Provisions Regarding Licensure.

Persons caring for children at the time that an application for license is made may, on approval of the division, continue care of the children while the application is being studied and evaluated.

222. Fee Charged

7AAC 50.155 Licensing Application Procedures.

There is no charge for licensing.

223. Areas of Investigation

See 221. Application and Issuance

224. License Renewal

7 AAC 50.165 Statement of Purpose.

A license will be renewed upon application 30 days before the expiration date of the annual license for a family day care home and 60 days before the expiration date of the annual license for a day care center; and

Upon satisfactory completion of a study and inspection by the licensing representative and approval by the division.

No later than 10 days before the expiration of a license, a written report of the study and inspection will be given to the day care operator.

225. Conditional/Provisional Licenses

7 AAC 50.175 Special Provisions Regarding Licensure.
Although a license remains in effect for a period of one year, unless revoked for cause, the division will in its discretion issue a provisional license for a period not to exceed six months to allow time for a day care facility to comply with applicable requirements. An exception to the six-month limitation for provisional licenses may be approved where considerations such as weather or shipping would prevent compliance within six months.

226. Substantial Compliance

7 AAC 50.185 Code Requirements, Modifications, and Waivers.
Each day care facility shall meet required local and state fire safety, health, sanitation, and licensing requirements. However, the director or his designee may modify or waive a provision when an acceptable alternative method for meeting the safeguarding intent of that provision is established and the health and well-being of children is assured. Requests for modifications or waivers of fire safety, health, or sanitation requirements must be reviewed and approved by the appropriate agencies before any determination by the director or his designee on the request.

Applications for modifications or waivers must be made in writing to the division and must include:

A statement of the provision for which modification or waiver is requested;

An explanation of why the provision cannot be met; and a description of the alternative method proposed for meeting the safeguarding intent of the provision to be waived or modified.

All requests will be answered in writing and a record of them maintained.

7 AAC 22.660 Waiver of Requirements.
The director or his designee may, at his discretion, waive a requirement when an alternative method of protection is established and the well-being of occupants is reasonably assured.

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

7 AAC 50.175 Special Provisions Regarding Licensure.
Licensees and applicants shall permit licensing representatives to visit their day care facilities at any time during the facility's hours of operation. In carrying out these visits, licensing representatives are authorized to call upon governmental agencies for appropriate assistance. Licensees or applicants shall cooperate in these visits by providing access to their facilities, records, and staff.

232. Denial, Suspension, Revocation of a License

ALASKA STAT. §47.35.050 Duration of License or Permit.
The license or permit remains in effect for a period of one year from the date of issuance unless revoked for cause. The department shall give written notice of revocation 30 days before the effective date of a revocation, except in a case when the health or well-being of children or dependent adults is in jeopardy.

233. Remedies and Sanctions

233.1 Hearings

7 AAC 50.175 Special Provisions Regarding Licensure.
An applicant who has been denied a license or an operator who has been denied a renewal of a license or whose license has been conditioned or revoked may request a hearing of the director or his authorized designee within 15 days after receipt of the accusation or statement of issues.

233.2 Decisions

Not specified

233.3 Judicial Review

ALASKA STAT. §47.35.070 Violations.
A person who violates a provision of AS 47.35.010 — 47.35.100 or a rule or regulation adopted under AS 47.35.010 - 47.35.100 is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than $200.

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

7 AAC 50.175 Special Provisions Regarding Licensure.
Changes that may substantially alter the extent or quality of services offered, including, but not limited to, expansion or reduction of services; construction or elimination of walls, stairs, exits; changes in the staff-to-child ratio; and changes in location must be reported to the division at least 30 days before the expected change to facilitate review and decision by the division.

A day care license must be displayed in a prominent place on the facility premises.

7 AAC 50.195 Administration Requirements.
The name, address, and telephone number of the person(s) with the legal responsibility and the administrative authority for operating the day care facility must be provided to the division.

The operator of a day care facility:

> is responsible for providing a child care program and facility which meets facility requirements;
>
> is responsible for the screening, scheduling, supervision, and conduct of all staff, volunteers, or others who provide services in the facility, and for designating an adult caregiver to be in charge of the facility in the operator's absence;
>
> shall, in day care centers, have written policies covering, but not limited to, nondiscrimination, the type of service to be offered to children served, provisions which can be made for special needs of individual children, enrollment requirements and procedures, fees and payment arrangement plans, insurance coverage, rules concerning personal belongings brought to the facility, transportation arrangements, parental permission for trips and related activities outside the day care center, ill children, and disclosure of information; these policies must be presented and explained to parents at the time of enrollments and a copy filed with the division.

312. Telephone

7 AAC 50.197 Ensuring Care in Emergencies.
Day care facilities must have a telephone or radiophone, if that service is locally available. Emergency telephone numbers must be conspicuously posted on or adjacent to the phone.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

7 AAC 50.195. Administration Requirements.

The operator of a day care facility shall, in day care centers, maintain bodily injury liability insurance (including transporting coverage, if applicable) in an amount not less than $100,000 per child, $300,000 per accident, with a company authorized to write insurance policies in the State of Alaska; these insurance policies must contain the following endorsement:

> "in the event of cancellation or nonrenewal of this policy, the company agrees to give 30 days prior notice to the Division of Social Services, Pouch H-05, Juneau, Alaska 99811."

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

7 AAC 50.195 Administration Requirements.

The operator of a day care facility shall ensure that enrollment policies, access to services, and services and activities of the facility are nondiscriminatory with regard to the religion, sex, color, race, and national origin of children in care and their parents.

340. RECORDS REQUIREMENTS

341. Children

7 AAC 50.195 Administration Requirements.

The operator of a day care facility shall maintain current individual child emergency information records in family day care homes and, in day care centers, maintain current individual records including, but not limited to child emergency information records; and caregiver and child attendance records; and shall maintain records on forms prescribed by the division, unless prior division approval has been granted to use alternate forms.

342. Staff

7 AAC 50.195 Administration Requirements.

The operator of a day care facility shall maintain current individual child emergency information records in family day care homes and, in day care centers, maintain current individual records including, but not limited to caregiver employment and health records.

7 AAC 50.205 Personnel Qualifications.

Each caregiver, excluding operators, volunteers, substitutes, and day care center students, must furnish the names, address, and telephone numbers of three unrelated references to the operator. Reference letters must be kept on file at the day care facility. The day care operator shall furnish the names, addresses, and telephone numbers of three unrelated references to the division with their initial license application; reference letters shall attest to the good character and reputation of the operator and to the qualities which enable the operator to work successfully with children.

343. Child Eligibility and Enrollment Requirements

7 AAC 50.195 Administration Requirements.

The operator of a day care facility shall, in family day care homes, give evidence, through the application for a license, of established policies as specified in licensing requirements; these policies must be discussed with parents at the time of enrollment of a child.

344. Child Abuse Reporting

7 AAC 50.197 Ensuring Care in Emergencies.

Every caregiver or operator who, in the performance of his or her duties, has cause to believe that a child has suffered harm as a result of abuse or neglect shall immediately report the harm to the nearest office of the department. If the caregiver or operator cannot reasonably contact the nearest office of the department, and immediate action is necessary for the well-being of the child, the caregiver or operator shall make the report to a peace officer.

Whenever a child is left in day care by his parents for a period exceeding the preplanned arrangement or more than 14 hours without contacting the operator, the operator shall immediately report that situation to the nearest office of the division.

345. Confidentiality of Records Requirements

7 AAC 50.195 Administration Requirements.

The operator of a day care facility shall ensure confidentiality of records and information pertaining to an individual child or his parents, except as required by facility staff in working with the child and his family.

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

7 AAC 50.210 Number of Staff Required.
Each facility must have sufficient personnel to ensure that the children are never without supervision by a responsible caregiver.

In a family day care home, if there are children under age two in care, there may not be:

more than two children under age two;
more than five children unrelated to the caregiver; or
more than eight children under age 12, including children related to the caregiver.

In a family day care home, if there are no children under age two in care, there may not be:

more than six children unrelated to the caregiver; or
more than a total of 10 children under age 12, including children related to the caregiver.

In a day care center, the ratios of caregivers to children must be maintained at all times as follows:

no newborn children may receive care in a day care center;
there must be one caregiver for every five children between the ages of six weeks and 24 months;
there must be one caregiver for every 10 children between their second and sixth birthdays;
for school children aged six to 10 years, there must be one caregiver for every 15 children;
for school children aged 10-14 years, there must be one caregiver for every 20 children.

In a day care center where there are more than 10 children present, there must be a minimum of two caregivers on the premises.

In a day care center, only caregivers who spend at least 75 percent of their working time providing direct care for children will be counted in meeting staff-to-child ratios.

412. Methods of Computing Staff/Child Ratios

Not specified

420. GROUP SIZE

421. Group Size as of March, 1981

Not specified

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

7 AAC 50.205 Personnel Qualifications.
Each caregiver, excluding operators, must have reached the age of 18 to be counted toward meeting the staff-to-child ratio requirements. However, persons aged 14 through 17 may be employed as caregivers and counted toward staff-to-child ratio requirements if:

they have completed a child care training course or have demonstrated to the operator competency in child care;
they work under the close supervision of an adult caregiver;
they constitute no more than one-third of the total caregiving staff; and
they are never placed in sole charge of a group of children in a center.

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512. Health

7 AAC 50.205 Personnel Qualifications.

Each caregiver and adult member of a family day care home must have an annual negative tuberculin skin test or a negative report of a chest X-ray before contact with day care children. For caregivers whose skin test is positive, the X-ray is required in accordance with the Alaska TB Control Program schedule or the recommended schedule of the caregiver's physician, rather than annually.

513. Education

Not specified

514. Experience

7 AAC 50.205 Personnel Qualifications.

Each caregiver must be able to:

> Encourage children and provide them with a variety of learning and social experiences appropriate to the age of the children served;
>
> Work with children without recourse to physical or psychological abuse; and
>
> Recognize and act against hazards to health and physical safety.

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

7 AAC 50.195 Administration Requirements.

The operator of a day care facility must be at least 19 years of age.

522. Health

See 512. Health

523. Education

Not specified

524. Experience

See 514. Experience

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

7 AAC 50.240 General Program.

The program conducted in a day care facility must provide planned experiences which promote the individual child's physical, emotional, social, and intellectual growth and a positive identity. Satisfactory compliance with this subsection requires that:

> Caregivers generally follow a written schedule of daily activities which provide a balance of quiet and active, group and individual activities and include adequate time for meals, snacks, sleep, and toileting according to individual needs, and

indoor/outdoor play; however, the schedule in family day care facilities need not be written;

Opportunities be provided for individual self-expression in conversation, imaginative play, and creative expression;

Opportunities be provided for intellectual and social development through use of a variety of games, toys, books, crafts, puzzles, sand, crayons, infant toys, and other activities and materials;

Opportunities be provided for such activities as walking excursions and field trips, weather permitting, to increase each child's awareness beyond his immediate environment.

612. Program Equipment and Materials

7 AAC 50.240 General Program.
Satisfactory compliance with this section requires that the amount and variety of materials and equipment available, and its arrangement and use are appropriate to the developmental needs of the children in care so that the quality of materials and equipment is sufficient to avoid excessive competition and long waits by children.

Furniture and equipment is durable and safe and that in day care centers it is of child size or appropriately adapted for children's use.

613. Nap Provision

7 AAC 50.250 Health Program.
Children under age six who are in care for periods longer than four hours must have a time and place to lie down and sleep or rest quietly, as follows:

in day care centers, individual cots, mats, or beds and bedding must be provided and must be clean and individually labelled;

in family day care homes, there must be sleeping arrangements with clean individual bedding provide.

614. Discipline and Guidance

7 AAC 50.240 General Program.
Caregivers are not to use any form of corporal punishment unless otherwise approved in writing by the parent of the child, and they are not to use any other technique which is humiliating, shaming, frightening, or otherwise damaging to a child.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Not specified

712. Health Assessments

Not specified

713. Immunizations

7 AAC 50.225 Immunizations Required.
The operator of a day care center shall maintain evidence of current immunization, or exemption from it, for each child in attendance. This evidence must be obtained from the child's parent or guardian upon his admission, and show that he has received or has begun and is continuing to receive immunizations appropriate to his age as prescribed in the Alaska Division of Public Health's schedule for active immunization, or that he is

exempt from immunization under (b) of this section. Satisfactory compliance requires that each child's day care center health record contain evidence of immunization or evidence of exemption. Evidence of immunization must include:

> the name of the health service provider, and the date of immunization against diphtheria, tetanus, polio, measles, rubella and, if the child is less than six years of age, pertussis; and only valid immunization certificates, which are limited to:
>
> > an international immunication certificate; or
> >
> > a statement by a physician listing the date each required immunization was given; or
> >
> > A copy of a clinic or health center record listing the date each required immunization was given.

Day care centers may not admit a child who does not comply with the provisions of this section.

714. Sanitation

7 AAC 50.247 Environmental Health.
A family day care home must have a water supply, sewage disposal, and refuse control system which satisfies the requirements of the environmental protection regulatory authority.

7 AAC 22.570 Toilet Areas and Fixtures.
Toilet room floors must be constructed of an easily cleanable, durable, and impervious material. The intersecting corners between walls and floors must be covered.

715. Daily Illness Screening

Not specified

716. Care of Sick Children

Not specified

717. Medication and Special Diet Provisions

7 AAC 50.250 Health Program.

Medicines or drugs may not be administered to any child except with written permission of the child's parent or physician or other medical authority. However, in the case of prescription medicine, a prescription label with the medical authority's name, the child's name, and a recent date may be accepted as showing that the drug may be administered to the child. Medicines or drugs kept at the facility for a child must be clearly labeled with the child's name and the dosage and must be inaccessible to children.

7 AAC 50.260 Nutrition.

The caregiver shall obtain information from the parents concerning any food allergies or special needs the child has and shall plan his or her meals accordingly.

718. Waiver of Health Requirements

7 AAC 50.225 Immunizations Required.

Evidence of exemption from immunization must include:

> a signed affidavit by a doctor of medicine (M.D.) or osteopathy (D.O.) licensed in Alaska attesting that immunizations would, in his professional opinion, be injurious to the health of the child or members of the child's family or household; or
>
> an affidavit signed by the parent or guardian, affirming that immunization conflicts with the tenets and practices of the church or religious denomination of which the applicant is a member; or

an entry demonstrating that the child is attending for the first time a day care center providing drop-in care.

A day care center providing drop-in care must require immunization as provided in (a) (See 713. Immunizations) of this section, if not exempt, on the child's second admission date.

A day care center in a community where regular medical services are not available on at least a weekly basis may provisionally admit a child who does not have the required immunizations, for a reasonable period of time in exceptional circumstances, but for no longer than 90 days. Provisional admissions must be reported to the Communicable Disease Control Section of the Division of Public Health of the department, which shall then determine that th required immunizations are completed during the provisional period if the child is to be admitted.

720. SAFETY

721. General Safety Requirements

7 AAC 50.247 Envirnomental Health.
A family day care home must be free of hazards which can cause injury.

In a family day care home, medicines, cleaners, and other harmful chemicals must be stored so as to be inaccessible to young children.

In a family day care home, firearms must be unloaded and stored in a place inaccessible to young children. Ammunition must be stored separately in a place inaccessible to children.

7 AAC 22.640 Safety.
Outdoor recreation areas at day care centers, pre-elementary schools and residential child care facilities must be protected with a fence at least three feet high or other equally effective barrier.

722. Fire Safety Requirements

7 AAC 50.245 Fire Safety.

Family day care homes must be free of fire hazards. They must have:

at least one five-pound ABC dry-chemical fire extinguisher or an AC primary power or monitored battery powered smoke-detection device;

a restriction limiting occupancy to the main floor, daylight basement, or second floor of the building, when more than two children under age five are in care;

a safe and effective heating system;

adequate screening of radiators, hot water pipes, open fires, oil or wood-burning stoves, and similar hazards to prevent burns.

723. Transportation

Not specified

724. Safety Requirements for Equipment

Not specified

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

7 AAC 50.197 Ensuring Care in Emergencies.

Each day care facility must have a plan for evacuation of children in case of fire or other disaster. The plan must include provisions for accountability for each child, until released to an appropriate authority. In day care centers, the plan must be written and posted. Caregivers must be aware of the plan and must hold evacuation drills at least once every two months.

Provision must be made in all day care facilities for emergency electrical lighting by generator or battery power for use in case of power failure.

In family day care homes, a second adult must be readily available to be summoned to assist in any emergency.

727. First Aid Supplies

7 AAC 50.197 Ensuring Care in Emergencies.
In all day care facilities, first aid supplies appropriate to the size of the facility must be maintained and readily available at all times.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

7 AAC 50.260 Nutrition.
To ensure adequate nutrition and promote good eating habits and attitudes, a day care facility must ensure that:

> at least one nutritious meal is offered to each child in care for five hours or more;
>
> a wholesome snack is offered between breakfast and lunch and between lunch and dinner;
>
> each child in care over 10 hours is offered an additional snack or meal unless parents request otherwise; and
>
> with respect to all snacks and meals offered, the National Academy of Science's Recommended Dietary Allowance, 8th Ed. 1974, available from the division, is met.

Vitamin and mineral supplements may be provided to a child only with parental permission.

Children may be encouraged but not forced to eat.

In a day care center, menus must be planned, be available to parents, be retained for inspection for one year after the day for which they are prepared, and reflect actual food served.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

Not specified

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

7 AAC 50.240 General Program.

Where newborns, infants, and toddlers are in care, compliance with the criteria in subsection (a) must be appropriate to their developmental stage. In addition:

separate sleeping space must be provided for infants and toddlers in day care centers; a play or crawl area exclusive of crib space must be provided for their use; and provisions must be made to ensure that they are not endangered by the active play of older children.

these children may not be routinely left in a crib without direct adult contact for long periods of time while awake (e.g., typically not more than 45 minutes);

infants and toddlers must be allowed, under supervision, some opportunities during the day when they can explore and learn on their own;

there must be toys and materials available for their use which provide opportunities for the child to learn through seeing, feeling, hearing, smelling, and tasting;

there must be frequent verbal communication between caregivers and these children; and

there must be physical stimulation through being held and rocked and played with as well as through being dressed, bathed, and carried.

1120. HEALTH AND SAFETY REQUIREMENTS

7 AAC 50.250 Health Program.
Infants must be provided a crib or other safe and suitable place to sleep.

7 AAC 22.650 Infants and Toddlers.
At least two feet of space must be provided between individual cribs. A suitable area exclusive of crib space must be provided for crawling.

1130. INFANT NUTRITION

7 AAC 50.260 Nutrition.
An infant must be fed according to his own schedule, and by the same person insofar as possible. Typically, infants not able to hold their own bottles should be held, and bottles may be propped only when the caregiver is unable to hold the child and only when he or she is present within sight of the child.

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

7 AAC 22.655 Special Provisions for Physically Handicapped Persons.
When the facility regularly provides care for physically handicapped persons, appropriate equipment which may include access ramps, handrails, grab bars and accommodations for wheelchairs must be provided.

Mechanical aids furnished by the facility or owned by the occupants must be maintained in a sanitary manner, kept in good repair, and conveniently located.

Doorways must be of a sufficient width to reasonably facilitate passage of persons who require mechanical aids including crutches, wheelchairs, and walkers.

Corridors must be of a sufficient width to reasonably facilitate passage of persons who require mechanical aids including crutches, wheelchairs, and walkers.

On each floor where persons in wheelchairs are regularly located there must be at least one toilet room large enough to accommodate wheelchairs.

There must be a bathtub or shower which is equipped to accommodate a non-ambulatory person.

Well-secured grab bars must be installed in all toilet rooms and bathing facilities.

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

7 AAC 50.242 Environment Requirements.

Each day care center must have sufficient indoor and outdoor space in relation to the number and ages of children in care to accommodate the physical and other developmental needs of children served. Satisfactory compliance with this subsection requires that:

> there be at least 35 square feet of indoor space per child capacity used for the care of children, exclusive of hallways, bathrooms, lockers, closets, laundry and furnace rooms, and the kitchen;

there be at least 75 square feet per child of outdoor play space for the maximun number of children on the playground at any one time; where outdoor play space is not available at the facility, parks or other outdoor facilities that are easily accessible may be used.

7 AAC 50.250 Health Program.
Each day care facility must provide a place where a tired, ill, injured, or upset child may rest or play quietly, apart from other children, yet under adult observation. Ill children need not be sent home as a routine policy, but may be cared for during minor illness at the discretion of the parent and operator. If the child apprears to be more than moderately ill or a communicable disease other than a cold is indicated, the child may not be allowed to expose other children to his or her illness and must be isolated in a separate room under adult observation until appropriate arrangements are made. Caregivers shall inform parents when their children have been exposed to illness or communicable disease.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

7 AAC 22.600 Ventilation.
All habitable rooms, including instructional, play, toilet, bathing, food preparation and storage areas must be provided with natural or mechanical ventilation sufficient to provide fresh air and to prevent the accumulation of moisture.

The introduction of the supply of air into all rooms must be arranged to prevent objectionable drafts on occupants.

Smoking is not permitted indoors in the presence of children in day care centers and pre-elementary schools.

When smoking is allowed in residential facilities, designated smoking and non-smoking areas must be provided.

Designated smoking areas in all facilities must be provided with natural or mechanical ventilation sufficient to provide fresh air and to prevent the accumulation of smoke and smoke odors.

7 AAC 22.610 Heating.

Heating facilities must be installed and operated to provide heat to all occupied areas. The recommended temperature range is 68 to 72 degrees Fahrenheit, measured 12 inches from the floor in day care centers, pre-elementary schools, and residential child care facilities, and measured 36 inches from the floor in adult residential care facilities.

7 AAC 22.620 Lighting.

All instructional, work, and play rooms must be provided with a minimum of 50 footcandles of light measured 30 inches from the floor. Living rooms and bedrooms must be provided with a minimum of 30 footcandles of light measured 30 inches from the floor. Toilet rooms, corridors and storage rooms must have a minimum of 20 footcandles of light measured 30 inches from the floor.

1430. EXITS

7 AAC 50.245 Fire Safety.

Family day care homes must be free of fire hazards. They must have:

> two exits remote from each other that are usable year round, one of which may be a window which can be opened;
>
> at least one usable exit directly to the outside at street level where a basement is utilized;
>
> at least one exit leading directly to the outside in any room used for sleeping purposes from midnight to 6:00 a.m.

1440. TOILETS AND LAVATORIES

7 AAC 22.570 Toilet Areas and Fixtures.

Step stools, when provided in toilet ares, must have non-slip treads of an impervious, durable material.

Toilets and hand-wash sinks must be available in the ratio of one toilet and one hand-wash sink for each 15 children in day care centers and pre-elementary schools and for each six persons in residential facilities. Urinals for males may be substituted for not more than 1/2 the required number of toilets.

Bathing facilities must be available in the ratio of one tub or shower for each six persons in residential facilities.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

7 AAC 50.245 Fire Safety.

When the division receives a license application from a day care center and when new construction or remodeling is completed, a fire inspection of the premises must be made by the fire marshal or his local designee to determine conformity with existing safety standards. Subsequent annual fire inspections might be required.

1530. BUILDING

Not specified

1540. HEALTH

Not specified

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

7 AAC 22.550 Plan Review and Inspection.
Whenever a facility is to be constructed or extensively remodeled, plans and specifications for the construction or remodeling must be submitted to the department for review and approval before construction or remodeling is begun.

Except where otherwise noted, all citations are from the Arizona Department of Health Services, Rules and Regulations for Chapter 5, Day Care Centers, July 1980.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

R9-5-112 Definitions.
"Day care" means the care, supervision and guidance of a child or children, unaccompanied by parent, guardian or custodian, on a regular basis, for periods of less than twenty-four hours per day, in a place other than the child's or children's own home or homes.

"Day care center" means any facility in which day care is regularly provided for compensation for five or more children not related to the proprietor.

R9-5-113 Classification of Day Care Center Services.
A day care center shall be licensed to provide one or more of the following classifications of service:

Evening care: care provided to children between the hours of 6:00 p.m. and 12:00 a.m.

Full day care: care provided to children for more than four hours per day, between the hours of 6:00 a.m. and 6:00 p.m.

Infant care: care to infants.

Part-day care: care provided to children for no more than four hours per day, between the hours of 6:00 a.m. and 6:00 p.m.

Special children care: care provided to special children.

Toddler care: care provided to toddlers.

School-age child care: care provided during periods of a day when public, private or parochial schools are not in session, to children who are eligible to attend elementary school.

112. Exclusions and Exemptions

A.R.S. Article 1, § 36-884 Exemptions.
The provisions of this article shall not apply to the care given to children by or in:

The homes of parents or blood relatives.
A religious institution conducting a nursery in conjunction with its religious services.
A unit of the public school system.
A regularly organized private or parochial school engaged in an educational program which may be attended in substitution for public school.
Any facility that provides training only in specific subjects, including dancing, drama, music, self defense or religion.
Any facility that provides only recreational or instructional activities to school age children who may come to and go from the center at their own volition.

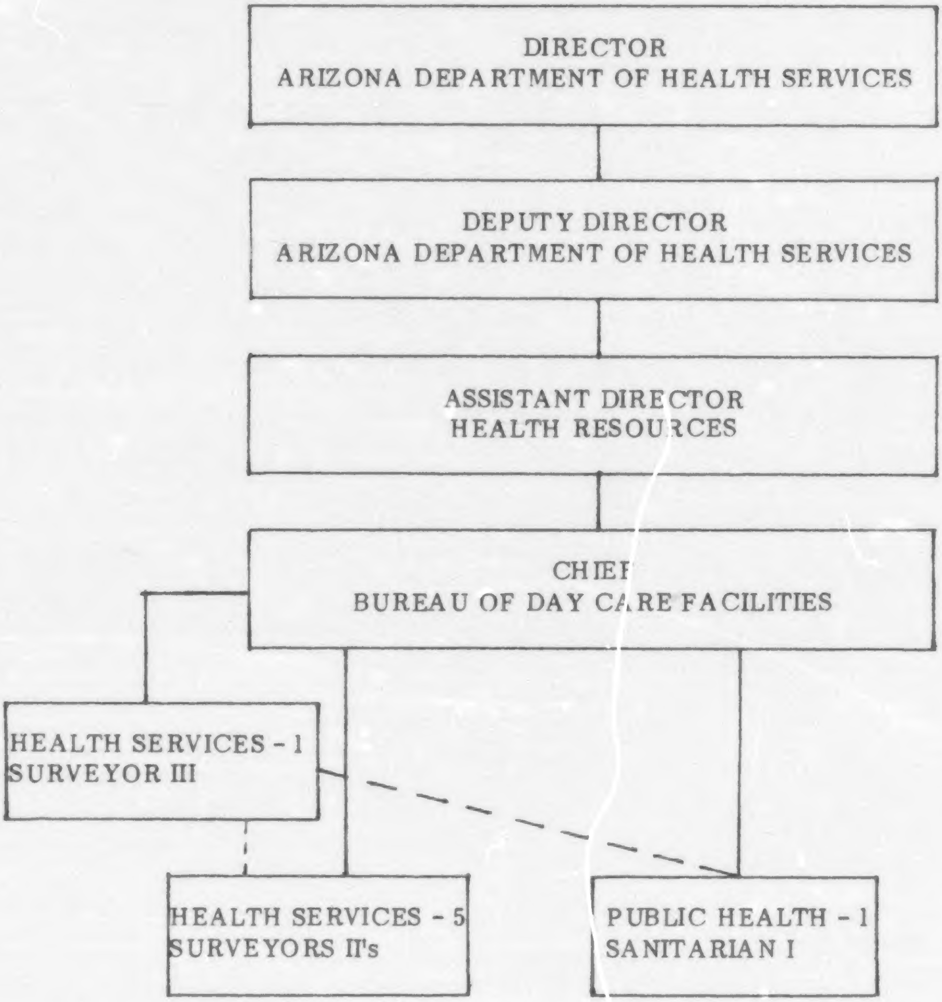
113. HHS Day Care Compliance

Not specified

91

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit


DIRECTOR
ARIZONA DEPARTMENT OF HEALTH SERVICES
DEPUTY DIRECTOR
ARIZONA DEPARTMENT OF HEALTH SERVICES
ASSISTANT DIRECTOR
HEALTH RESOURCES
CHIEF
BUREAU OF DAY CARE FACILITIES
HEALTH SERVICES - 1
SURVEYOR III
HEALTH SERVICES - 5
SURVEYORS II's
PUBLIC HEALTH - 1
SANITARIAN I

Day care center licenses are issued and revoked at the state central office level by state based staff under the direct supervision of the state central office. Family day care and group day care home licensors are outposted in 14 district offices under the supervision of district administrators. Family day care and group day care home licenses are issued from the district offices under the signature of the Director of the Family Services Division. Program specialists monitor and provide consultation to the district licensing staff.

122. Responsible Official

All inquiries should be addressed to:

Chief - Bureau of Day Care Facilities
Arizona Department of Health Services
1740 West Adams
Phoenix, Arizona 85007
(602) 255-1112

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

A.R.S. Article 1, § 36-883 Standards of Care; Rules and Regulations; Classifications.
The director of the department of health services shall prescribe reasonable rules, regulations and standards regarding the health, the safety and the well-being of the children to be cared for in any day care center, including, but not limited to:

> Adequate physical facilities for the care of children such as building construction, fire protection, sanitation, sleeping facilities, isolation facilities, toilet facilities, heating, ventilation. Indoor and outdoor activity areas and, if provided by the day care center, transportation safely to and from the premises

Adequate staffing per number and age groups of children by persons qualified by education or experience to meet their respective responsibilities in the care of children.

Activities, toys and equipment to enhance the development of each child.

Nutritional and well-balanced food.

Encouragement of parental participation.

Exclusion from day care centers of individuals whose presence may be detrimental to the welfare of children.

212. Advisory Body and Other Community Participation

A.R.S. Article 2, § 36-893 Day Care Advisory Board; Members; Terms; Compensation.
There is established the day care advisory board composed of the following nine members appointed by the director of the department of health services:

Three owners of day care centers.

Three individuals with recognized expertise in child development.

Three parents.

Of the members first appointed, three shall be appointed for terms ending June 30, 1977, three for terms ending June 30, 1978 and three for terms ending June 30, 1979. Thereafter, members shall serve for terms of three years.

Members shall serve without compensation.

220. LICENSING PROCEDURE

221. Application and Issuance

R9-5-211 General Requirements.

All applications for a license must be fully completed, signed and notarized.

An applicant shall submit a written statement to the Department which designates the person who will be the on-the-premises center director. An applicant must also submit to the Department a written statement clearly defining the responsibilities of the center director and written documentation that the center director meets the qualifications set forth in these Regulations.

A separate license is required for each location when more than one center is owned by the same person.

A separate license is not required for annexes on the same grounds used by the center.

A separate license is required for each center operated at a single location by different persons.

R9-5-212 Issuance of license.
In addition to the requirements imposed by A.R.S. § 36-882.D., the license shall specify:

The name of the day care center.

The expiration date of the license.

The licensee shall notify the Department in writing at least 30 days prior to the effective date of any change of ownership, location or name of the center.

The licensee shall notify the Department in writing at least 30 days prior to the effective date of any intended change in services, or space utilization offered by the center.

222. Fee Charged

A.R.S. Article 1, § 36-882 License; Posting; Transfer Prohibited; Fee.
The fee for an initial application for licensure shall be one hundred fifty dollars and shall not be refundable in the event that full licensure is not granted. Such application fee shall be both for the provisional and the first full licensure period. Application for renewal of license shall be one hundred fifty dollars and shall not be refundable.

223. Areas of Investigation

Not specified

224. License Renewal

R9-5-217 Renewal of License.
Each application for renewal of a license shall be submitted on a form provided by the Department and shall be submitted 60 days prior to the expiration of the current license.

225. Conditional/Provisional Licenses

R9-5-213 Provisional License.
In addition to the requirements listed in A.R.S. § 36-882.C., a provisional license may be issued only if the center submits an approved written plan for correction which describes in detail the licensee's plan for correcting the existing deficiencies and the date by which corrective action will be completed.

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

A.R.S. Article 1, § 36-885 Inspection of Day Care Center.
The department or designated local health departments or its agents may at any time visit during hours of operation and inspect day care centers in order to determine whether they are conducted in compliance with law and with rules and regulations.

The department shall visit each center as often as necessary to assure continued compliance with law and the rules and regulations. At least one unannounced visit shall be made annually.

232. Denial, Suspension, Revocation of a License

R9-5-218 Causes for Denial, Revocation or Suspension of License.
A license may be denied, revoked or suspended for any of the following reasons:

> The use of fraud or deceit in obtaining a license.
>
> The applicant has been convicted of a felony or any crime involving moral turpitude, or, if a corporation, firm or association is controlled or operated directly or indirectly by a person or persons who have been convicted of a felony or any crime involving moral turpitude.
>
> The utilization of personnel addicted to or under the influence of drugs or alcohol; known to have engaged in child abuse or sexual misconduct; known to have been convicted of a felony or any crime involving moral turpitude; or known to use unacceptable disciplinary methods.

Failure to comply with the provisions of the Day Care Act or these Rules and Regulations.

A.R.S. Article 1, § 36-888 Denial of License.

Whenever the department is authorized by law or regulation to deny a license to an applicant, it shall afford the applicant the right of hearing before denial by serving upon the applicant at least thirty days' notice, by registered mail with return receipt requested, to show cause before the director, upon a date to be fixed in the notice, why the application for a license should not be denied in accordance with the regulations of the department and the provisions of law. The notice shall set forth the facts constituting the reasons for the denial and shall refer to the provisions of the applicable law or regulations indicating that the application or the operation of the day care center is not in conformity therewith. If the applicant does not respond to the written notice, the department shall, at the expiration of the time fixed in the notice, deny the license. If the applicant, within the period fixed in the notice, shall cause his application or the operation of the day care center to conform with the applicable law and regulations, the department may grant the license.

A.R.S. Article 1, § 36-889 Revocation and Suspension.

The department may revoke or suspend the license of any person for a violation of the applicable law or regulations. The department shall afford the affected licensee the right of hearing by serving upon the licensee at least thirty days' notice, by registered mail with return receipt requested, to show cause before the director, upon a date to be fixed in the notice, why the license should not be suspended or revoked in accordance with the regulations of the department and the provisions of law. The notice shall set forth the act or acts constituting the violation and shall refer to the provisions of the applicable law or regulations alleged to be violated. If the licensee does not respond to the written notice within the period provided in the notice, the department shall revoke or suspend the license.

If the licensee, within the period provided by the notice, rectifies the acts constituting the violation, the department may withdraw the notice of suspension or revocation.

233. Remedies and Sanctions

233.1 Hearings

See 232. Denial, Suspension, Revocation of a License

233.2 Decisions

See 232. Denial, Suspension, Revocation of a License

233.3 Judicial Review

Not specified

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

R9-5-311 Responsibility.

Notwithstanding the provisions of any lease or other contract to the contrary, the licensee is ultimately responsible for the upkeep and maintenance of the center's property and for overseeing the center's operations in accordance with these Regulations.

The written statement of services required to be furnished annually to the Department and made available upon request to parents shall include at least the following:

A listing of services offered to children;

The hours the center is in operation, including scheduled vacations when the center will be closed;

Admission requirements and enrollment procedures;

Fees charged and plan of payment;

Discipline policies;

Provisions for the individual needs of special children;

Transportation services provided by the facility;

Procedure for field trips outside the center;

Identification of responsibilities and involvement expected of parents in center activities;

Schedule of routine activities including a description of the educational program(s) offered.

R9-5-312 Required Records and Reports.

Copies of the most recent fire and sanitation inspection reports, current within one calendar year shall be maintained at each center and shall be current and available to the Department on request.

R9-5-411 Personnel Requirements.

There shall be at least 1 staff member with current certification in emergency training from a program recognized by the Department, on the premises at all times when the center is open. Written verification of successful completion of the staff member's emergency training shall be available at the center.

Personnel management - The center director shall be responsible for the supervision of all personnel and children; and designate in writing a person qualified to act in the center director's behalf during his or her absence from the center.

Staffing of agency - When children are in attendance, the agency director or a qualified person designated by the agency director shall be on the premises and in charge of the agency. The minimum age for these persons is 21 years.

312. Telephone

R9-5-416 Fire and Safety Precautions.

There shall be at least one readily available telephone in the center. Emergency telephone numbers for the local fire department, police department, and ambulance service shall be conspicuously posted near the telephone.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Not specified

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS

341. Children

R9-5-312 Required Records and Reports.

Individual records for all children shall be kept current for the year and shall include:

The child's name, address, sex and date of birth;

The names of the child's parents or guardians, their home and work addresses and telephone numbers;

The name, address and telephone number of an additional responsible person or persons to be notified in the event that the parents or guardians cannot be located;

The name and telephone number of the child's primary source of medical care;

Authorization and instruction for emergency medical care of the child;

The written instructions of the parent, guardian, or attending physician for any special dietary needs; and

Authorization for, and reports of, any medications administered by the center.

Accurate and complete daily attendance records shall be kept of the staff on duty and of all children admitted. Such records shall indicate the time of arrival and departure of each staff member and each child, and shall be retained in the center for 2 years.

R9-5-420 Medications.

The center shall maintain a record of all medications administered to children by the center. The record shall contain the following information:

The name of the child;

The name and, if any, the prescription number of the medication;

The date and time of day the medication is given;

The signature of the person giving the medication. This must be the person designated as the agent of the parent or guardian.

342. Staff

R9-5-312 Required Records and Reports.

An individual file shall be maintained for each full-time and part-time employee. The file shall be preserved in the center for 1 year following termination of employment. The file shall include:

Applicant's name, address, and phone number;

Education, training, working experience;

The name and telephone number of the person, physician and health facility to be notified in case of an emergency;

Evidence of a pre-employment tuberculin test and of an annual tuberculin test thereafter;

Verification of any required license (e.g., chauffeur's license);

A record of all orientation and in-service training including workshops, in which the employee has taken part, to be verified in writing by the employee;

The date of employment;

At least an annual performance evaluation of each staff person.

A file shall be maintained for each volunteer and shall include at least the information required above for staff.

343. Child Eligibility and Enrollment Requirements

R9-5-313 Admission.
Each center shall establish rules for the admission of children which shall include the following provisions:

The child shall be enrolled by the parent, guardian, or other person responsible for his care. At this time a written plan for the child's satisfactory adjustment to the center shall be discussed and any special requirements pertinent to the child's care shall be clearly defined in writing.

Information needed for the child's record shall be recorded in accordance with R9-5-312.A.4. The parent or guardian shall sign the record when the child is enrolled.

Children shall be released only to persons authorized in writing by parents or guardians.

The admission plan shall include specific instructions and authorization for the emergency care of the child in case of accident or illness when the parents, guardian or persons responsible cannot be contacted. The instructions shall identify:

The name and telephone number of the child's primary source of medical care; and the name of the health care institution to which the child should be taken.

Infants and toddlers shall not be admitted unless the license so authorizes.

A child shall not be admitted if his admission will cause the center to exceed its licensed capacity.

A child shall not be admitted and then transported off the center premises if such admission causes the center to exceed its licensed capacity.

344. Child Abuse Reporting

R9-5-411 Personnel Requirements.
Any staff person having responsibility for the care of children shall report any case of suspected child abuse to the appropriate authorities.

345. Confidentiality of Records Requirements

R9-5-215 Records.
All records required by these Regulations to be maintained at the center shall be open to inspection by the authorized representatives of the Department.

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

R9-5-411 Personnel Requirements.
Staffing of agency - In agencies that are licensed for more than 10 but not less than 40, there shall be at least one staff member directly engaged in the care and supervision of children for each:

8 - Infants
10 - Toddler children up to 3 years

15 - Children 3 years to 4 years
20 - Children 4 years to 5 years
25 - Children 5 years to 6 years and above

Each agency shall have a minimum of two staff members on duty whenever the number of children on the premises exceeds ten. In an agency where ten or less children are in attendance, only one adult need be on the premises, providing there is a specific plan in the event of an emergency whereby another adult is continuously and readily available to relieve the one in charge.

412. Methods of Computing Staff/Child Ratios

R9-5-411 Personnel Requirements.

Staffing of agency - Other than the agency director, or person substituting for the agency director, the minimum age of staff members shall be 18 years, except that persons of 16-17 years may work as staff assistants, providing they are under adult supervision at all times. These persons may be counted as providing staff ratio when a ratio of one 16 or 17 year old person to one adult is maintained.

The agency director, domestic, office and maintenance personnel may be included in the count of required staff-child ratio at those times when their sole responsibility is child supervision.

In groups of mixed age, the maximum number of children per staff member shall be that required for the youngest child in the group.

In agencies licensed for more than 40, the above minimum ratio shall be supplemented by the addition of one staff person, assigned to child supervision duties, for each 20 children who are in attendance in excess of 40 children. This may be the use of auxiliary personnel if it is clearly shown that their auxiliary duties do not interfere at the time for which they have child care responsibilities.

The number of children for which the agency is to be licensed means the maximum number of children in the agency at any one time.

420. GROUP SIZE

421. Group Size as of March, 1981

Not specified

422. Methods of Computing Group Size

R9-5-411 Personnel Requirements.
Children shall be grouped according to age and maturity for supervision, and all groups of children shall be directly supervised at all times.

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

R9-5-411 Personnel Requirements.

Staffing of agency - Other than the agency director, or person substituting for the agency director, the minimum age of staff members shall be 18 years.

512. Health

R9-5-411 Personnel Requirements.

Qualifications of personnel - Personnel shall be free from physical, mental, and emotional disabilities which might reasonably interfere with the conduct of the duties required of them by these Regulations or be detrimental to the health, safety, or welfare of the children under their care.

Personnel shall receive a tuberculin skin test prior to employment. Thereafter, each employee and volunteer shall have an annual tuberculin skin test if the initial skin test was negative, or an annual chest X-ray if the initial skin test was positive.

If the center is conducted in a private home, every member of the household shall be subject to the same yearly tuberculosis report as is required of the staff.

Personnel shall not be in the center who knowingly have, or present symptoms of, a contagious disease (e.g., diarrhea, upper respiratory infections and skin lesions); or are ill with a condition which impairs their physical capabilities or sound judgment to the extent that the health, safety or well-being of the children in the center may be jeopardized.

513. Education

R9-5-411 Personnel Requirements.

Personnel management - The teacher-caregiver shall possess the following minimum qualifications:

A high school diploma or its equivalent;

A Child Development Associate credential (C.D.A.) or equivalent;

An associate degree;

A bachelors degree; or

Current enrollment in a program leading to a high school diploma, C.D.A. credential, associate degree, or bachelors degree.

514. Experience

Not specified

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

R9-5-411 Personnel Requirements.
Personnel management - The center director shall be at least 21 years of age.

522. Health

See 512. Health

523. Education

R9-5-411 Personnel Requirements.
Personnel management - The center director shall possess the following minimum qualifications:

A high school diploma or its equivalent, plus two years of qualifying experience;

A Child Development Associate credential (C.D.A.) or its equivalent;

One year of college, plus 18 months of qualifying experience;

An associate degree, plus 6 months of qualifying experience; or

A bachelors degree, plus 3 months of qualifying experience.

524. Experience

See 523. Education

530. SUPPORT STAFF QUALIFICATIONS

R9-5-411 Personnel Requirements.
Personnel management - Supplementary teacher-caregiver staff who are at least 16 years of age, but who do not satisfy all staff requirements, may work in a center when the following restrictions are observed:

> These persons shall work under the continuous, direct supervision of a qualified teacher-caregiver;
>
> These persons may be included in the required staff/child ratio whenever a ratio of one 16 or 17 year old to one adult is maintained and each 16 or 17 year old is under the continuous, direct supervision of one adult.

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

R9-5-411 Personnel Requirements.
Personnel responsibilities and duties - The center director shall thoroughly orient the staff to, and operate the center in compliance with all Regulations; and provide evidence of continuous in-service training and development of the center's staff, which shall include at least the following:

> Orientation of all new employees to familiarize them with the center and its policies and procedures;
>
> On-the-job training of all new employees in need of further training in specific area of job responsibilities;
>
> Thorough review of these Regulations;
>
> Recognition of symptoms of illness or disease;
>
> Understanding of the developmental stages of children.

542. Child Caregiver Staff

See 541. Program Director

543. Support Staff

See 541. Program Director

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

R9-5-415 Program Development.

The center shall provide a program offering a variety of daily activities designed to meet the various needs and developmental stages of the children served.

A schedule of the day's activities shall be conspicuously posted at the center.

The program shall be planned and shall provide:

> Activities to promote the age appropriate, physical, cognitive, language, social-emotional and creative development of the children present;
>
> Indoor/outdoor activity time; quiet/active time; supervised free choice/teacher directed activities; individual, small group, and large group activity opportunities; and small/large muscle development activities;
>
> Activities which enhance development of self-help skills, independence and a sense of responsibility;

Time and activities which will provide for the basic needs of children for food, rest, toileting, body movement, and adjustment to difficult situations such as parental separation and fatigue;

The opportunity for each child to individually interact with an understanding and supportive adult; and

An opportunity, weather permitting, for each child to spend some portion of every day outside.

612. Program Equipment and Materials

R9-5-415 Program Development.
For each child of the total licensed capacity, there shall be a variety of equipment, toys and material, from each of the following developmental areas:

Small muscle development
Creative expression
Sensory perception
Language skills
Large muscle development.

Equipment, toys and materials shall be provided in sufficient quantity to allow each child a choice during free playtime, and shall be available in sufficient quantity to allow for participation by all children who are involved in teacher-directed activities.

Equipment, toys and materials shall be available and within the reach of children. All equipment, toys and materials shall be maintained in a safe and usable condition.

613. Nap Provision

R9-5414 Activity Area Requirements.
Sleeping facilities - Each child shall have a nap or rest period during the day. The age and needs of the children and the length of time spent in the center shall be considered in scheduling naps and rest periods.

There shall be a cot, pad, or crib for each child who needs to nap, with only one child to a cot, pad or crib.

Cots and cribs shall be of sound construction, shall be of sufficient size to comfortably accommodate the size and weight of the child, and shall be kept clean and in good repair.

Pads shall be large enough for a child's body, stored properly to maintain cleanliness, and approved for use only in rooms where close contact with the floor will not present a draft or dust problem. Rugs, carpets, and towels shall not be used as pads.

During a nap or rest period, a child shall not lie in direct contact with the floor.

Each cot and pad shall be arranged to be physically accessible to the supervisory personnel.

There shall be at minimum a 24 inch corridor between each row of cots and pads. The arrangement of cots and pads shall not obstruct access to exit doors.

Bunk beds shall not be permitted. Naps and rest periods in lofts, galleries, attics or similar places are prohibited.

Where a private home is used as a center, a family bed shall not be used by a child in attendance at the center.

The center shall provide a crib for each infant and when appropriate for each toddler. Cribs shall meet the following requirements:

> The crib shall be of sturdy construction with bars closely spaced so that a child's head cannot be caught between the bars.
>
> Cribs shall have clean, individual crib-size bedding, including sheets and a blanket in good repair.

614. Discipline and Guidance

R9-5-412 Discipline.
Staff, whenever possible, shall use techniques of explaining firmly to a child why the particular behavior is not allowed, suggesting an alternative, and then assisting the child to become engaged in activities in an acceptable way.

When behavior must be stopped immediately because of potential danger to the child or another child, a staff person may physically hold the child until the child gains control of himself.

When a child is removed from the situation where he or she is misbehaving, the isolation shall not be longer than 10 minutes or lack supervision.

Disciplinary methods shall not be detrimental to the health or emotional needs of the child.

Measures that unduly frighten or demean the child shall not be allowed.

Mechanical restraints or devices or medications shall not be used to discipline.

Punishment shall not be associated with toilet training.

Corporal punishment shall be prohibited. This includes shaking, spanking, punching, hitting, pinching, slapping, twisting, jerking, kicking, hitting with instruments, pulling hair and strangling. Punishment or disciplinary actions shall not include measures that could result in bruises, welts, abrasions, contusions, lacerations, burns, fractures, wounds, cuts, punctures, subdural hemorrhages or hematomata, internal injuries, sprains, dislocations, or other forms of physical damage.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Not specified

712. Health Assessments

Not specified

713. Immunizations

R9-5-312 Required Records and Reports.
A record completed by the parent, guardian, or physician noting the child's complete history of immunizations, including type and date of immunizations, illness susceptibility and special requirements for health and maintenance, shall be kept.

714. Sanitation

R9-5-413 Physical Plant Construction.
All sewage and liquid wastes shall be discharged into a municipal sewage system, or in a manner approved by the Department.

Drinking water shall be accessible to the children on the playground and in indoor activity rooms.

R9-5-417 Sanitation Requirements.

All parts of the center premises and all center furnishings, equipment, materials, and toys shall be kept in a sanitary condition.

At all times the center shall be maintained free of flies, roaches, or other vermin.

Fixtures (such as toilet bowls and lavatories) and floors in bathrooms, playrooms, and kitchens shall be scrubbed daily, or more frequently if necessary, with a cleaning solution and disinfectant.

All areas in the center shall be clean.

All plumbing fixtures shall be maintained in proper operating condition.

The use of a common drinking and eating utensil is prohibited. Clean, single-use cups, dispensed from an approved dispenser, are acceptable. Drinking fountains shall be kept clean and in working condition.

715. Daily Illness Screening

R9-5-419 Isolation and Emergency Medical Care.

Each child entering the center shall be observed by a staff member for signs of illness, or, if the center provides transportation to the center, the child shall be observed upon entering the vehicle.

A child shall not be accepted at the center if (s)he is obviously ill or suspected of having a contagious or infectious disease.

716. Care of Sick Children

R9-5-419 Isolation and Emergency Medical Care.
Any child showing symptoms during the day of a fresh cold, sore throat, inflammation, fever, rash, diarrhea, vomiting, etc., shall be immediately isolated from the group. Parents or persons responsible shall be notified at once and all necessary arrangements for prompt removal of the child shall be made.

Parents shall be notified if their child has been exposed to a contagious or infectious disease. In addition, the local health department shall be notified.

Parents or guardians shall be notified immediately of any serious injury to the child that may require medical attention; alternatively, the person specified by the parent to be notified in case of an emergency shall be contacted. In addition, parents or guardians shall be notified at the end of each day of any significant incident involving the child.

717. Medication and Special Diet Provisions

R9-5-420 Medications.
The center director, or a person designated in writing by the center director, shall be responsible for the storage, record keeping and administration of medication to children. Only one person in a center at any given time shall be responsible for handling and administering medications.

Medication shall not be given to a child without specific written authorization from the child's physician, parent or guardian.

The written authorization to give medication shall contain at least the following information:

A statement identifying the specific person designated to act as an agent of the parent or guardian to give medication;

The name, and, if any, the prescription number, of the medication to be given;

Specific instructions in the manner the medication shall be given including the amount or dosage to be given, times of the day the medication shall be given and dates on which the medication is to be given;

Reason the medication is being given;

Signature of parent or guardian; and

Date of authorization.

Injectable medications shall only be administered by appropriately licensed persons.

Storage of medications - All prescription and non-prescription medications shall be kept in a locked storage cabinet or container which shall be located out of the reach of children.

Medications requiring refrigeration shall be kept in a locked box or container in the refrigerator.

Center personnel may only give medications that are provided by parents from the original factory-labeled container, or in the case of prescription medications, in the original prescription-labeled container.

Center personnel may only give medications that are provided by the child's parent or guardian and labeled with child's name. The center is specifically prohibited from keeping on premises stock supplies of any internal medication, including aspirin.

Medicines no longer in use shall be returned immediately to the child's parent or guardian.

Center personnel may refuse to administer medication and shall notify parents or guardians of this decision when the child arrives at the center.

When a child is on a modified diet prescribed by the parent, guardian or physician, the food and snacks served this child shall comply with the requested dietary regime. The modified diet shall be conspicuously posted for persons preparing and serving food.

718. Waiver of Health Requirements

Not specified

720. SAFETY

721. General Safety Requirements

R9-5-416 Fire and Safety Precautions.

All fish ponds, irrigation ditches, or other bodies of water shall be inaccessible to children except during periods of close and constant supervision.

722. Fire Safety Requirements

R9-5-416 Fire and Safety Precautions.

Each center shall comply with State and local safety and fire prevention codes and regulations, and in addition shall conform with the following requirements:

> Fire evacuation drills shall be held monthly and written records of each fire drill shall be kept at the center. When possible, fire drills shall be executed at the time of the annual fire inspection. Written instructions shall be posted which include special staff assignments and general procedures to be followed in case of fire or disasters.

R9-5-413. Physical Plant Construction.
Center buildings shall have a manually operated fire alarm system if the center is licensed for 26 or more children; or children are in attendance in the center between 8:00 p.m. and 6:00 a.m.

New center buildings shall have an approved fire detection warning system.

723. Transportation

R9-5-415 Program Development.
When a field trip is conducted away from the center, applicable licensing rules and regulations shall apply.

All parents and guardians shall be given advance notification of each trip including details about the trip.

The center shall obtain from the parent or guardian, advanced written permission for the child's participation in the trip.

R9-5-424 Transportation.
If vehicular transportation is provided directly by, or through a contract with, the center, the following requirements shall be met:

> The vehicle driver shall hold a current Arizona chauffeur's license.
>
> There shall be a sufficient number of staff available to supervise children while being transported.
>
> Children shall not be transported in vehicles not constructed for the purpose of transporting people.
>
> All children shall be properly seated on seats which are securely fastened to the body of the vehicle and which provide sufficient space for the child's body. No staff person, or child, shall stand while the vehicle is in motion.

A child shall not be left unattended in a vehicle.

One additional qualified staff person shall be in the vehicle when children under two years of age are transported.

The center or, as appropriate, its contractor, shall obtain and maintain motor vehicle insurance coverage in an amount not less than the minimum required by State financial responsibility statutes.

724. Safety Requirements for Equipment

R9-5-416. Fire and Safety Precautions.
Play equipment and structures, indoors and outdoors, shall be of sturdy construction, shall be in good repair, and shall be free from hazards.

725. Water Activities (Including Swimming)

R9-5-425 Swimming and Wading Pools.
Swimming and wading pools shall conform with requirements for public and semipublic bathing places.

A verification of compliance with the requirements for public and semi-public bathing places must be obtained from the Department or appropriate county health department prior to use of any swimming or wading pool.

A lifeguard with either a current Red Cross Senior Life Saving Certificate or documented equivalent training shall be on duty at all times when a swimming pool with a maximum depth of 3 or more feet is in use. If wading pools less than 3 feet in depth are in use, a person with current first-aid training shall be on duty at the wading pool.

When swimming pools are being used by the children, the staff/child ratios shall be met. The lifeguard may be included in computing the staff/child ratio.

Swimming pool and permanent wading pools must be enclosed by a fence with a minimum height of five feet.

726. Emergency Procedures

Not specified

727. First Aid Supplies

R9-5-419 Isolation and Emergency Medical Care.

An approved first-aid kit, accessible to all personnel and out of reach of children, shall be kept in the center. This first-aid kit shall at least contain band-aids, antiseptic solution, sterile bandages, scissors, medical tape, cotton swabs, and Syrup of Ipecac.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

R9-5-418 Food Service and Nutrition.

Meals shall be available to all children at customary meal times. An individual sack lunch provided by the parents or guardian is acceptable. However, if not provided with the sack lunch, the center shall provide milk; or a full strength fruit or vegetable juice (frozen, concentrated, canned, or fortified) containing 30 milligrams of Vitamin C per 6 ounce serving, which is the equivalent of a juice providing 50% of the USRDA of Vitamin C for adults.

When meals consist of sack lunches provided by parents, the center shall have a refrigerator, maintained at proper temperatures, for storage of perishable foods.

Powdered, imitation, and concentrated sugar syrup drinks shall never be used in place of full-strength juices.

Nutritious foods, handled in a sanitary manner and attractively served, shall be provided in the variety and amounts necessary to meet the standards set forth in the current edition of the "National Research Council's Recommended Dietary Allowances". In accordance with these standards, children in the center for the period of time specified shall receive the following at appropriate times:

2 to 4 hours—a mid-morning or mid-afternoon snack, unless the child is at the center during a regular meal time, in which case the child shall be served the appropriate minimum meal;
4 to 8 hours—a meal and one or more snacks;
9 or more hours—two snacks and one or two appropriate meals;
A snack shall be made available before bedtime.

Breakfast shall be available to children who come to the center in the morning without it or have remained in the center overnight.

Snacks shall include, but not be limited to, milk and enriched or whole grain bread products; or a fruit or vegetable; or a full-strength fruit or vegetable juice.

Snacks and meals prepared for school-age children shall be of sufficient quantity to meet their physical and nutritional needs.

Each noon or evening meal shall provide one-third of the child's daily nutritional needs set forth in the current edition of the "National Research Council's Recommended Dietary Allowances."

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

R9-5-418 Food Service and Nutrition.
Children shall be encouraged but not forced to eat.

The parent or guardian shall be notified when a child consistently refuses to eat or exhibits unusual eating behavior.

The center shall not serve the same menu twice in the same day.

State Statutes and Regulations pertaining to food establishments and the handling of food shall apply to centers.

Current menus shall be planned a week in advance, dated, and conspicuously posted in the center on the first day of each week. Menus shall be kept on file for one year. Any substitutions shall be noted on the posted menu.

Food shall be prepared as close to serving time as possible and served at a proper temperature in order to maintain their nutrients, flavor and appearance.

Second servings shall be available.

Children shall be given necessary assistance in feeding and in learning self-feeding skills.

Centers shall purchase food in sizes and amounts suitable for the number of children enrolled. A supply of perishables and staples shall be kept on hand to meet emergency situations.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

R9-5-415 Program development.
The center shall provide a variety of toys and objects for infant play which shall number at least three times the number of infants enrolled. The variety shall include at least some of each of the following: nesting toys, stacking toys, books, pull toys, blocks and grasping toys.

The center shall provide a variety of toys and objects for toddler play which shall number at least three times the number of toddlers enrolled. The toys shall be accessible to the toddlers at appropriate times and shall include at least some of each of the following: creative-expressive materials (e.g., crayons, paper, clay, play-dough, paints, paste, etc.), dolls, dress-ups, blocks, books, wheeled toys, riding toys, climbing units, wall mirrors, puzzles and manipulative toys.

Toys used by infants and toddlers shall be durable, easily cleaned and moveable, non-toxic, too large to swallow, and shall have no sharp pieces, edges or points. Toys shall be inspected frequently and regularly to ensure that hazards are not present.

Provisions shall be made for infants and toddlers to spend the majority of their waking hours outside of the crib, highchair, playpen, or other confining equipment.

Infants and toddlers shall have an outdoor playtime in an area that safely separates them from older children.

Self-feeding skills shall be encouraged with finger foods being included in the daily menu.

The staff persons shall talk to and hold infants and toddlers at appropriate times during the day to provide positive verbal and tactile stimulation.

The center shall provide pleasant surroundings with visual materials (e.g., pictures and posters) at eye level of the infant and toddler.

1120. HEALTH AND SAFETY REQUIREMENTS

R9-5-421. Infant and Toddler Care Requirements.
Centers enrolling either or both infants and toddlers shall receive prior permission to do so from the Department.

Rooms used by infants shall be separated from rooms used by older children. In infant room(s), there shall be no passageway for use by older children going from one area to another. Infants and toddlers shall be separated from each other.

There shall be continuous staff supervision of infants and toddlers while in the center.

A diaper changing area shall be provided in each infant room and, if the center cares for diapered toddlers, in each toddler room. The changing area shall provide a smooth, non-porous surface for diaper changing. The changing area shall be cleaned, sanitized and dried between each change of diapers.

There shall be a staff handwashing sink available in each diaper changing area with soap, warm running water and disposable hand towels provided.

The center shall prepare and post in each diaper changing area the diaper changing procedure to be followed.

Each diaper changing area shall be equipped with a diaper rinsing fixture.

Each child's diaper shall be changed as frequently as needed. When changing diapers, the child shall be washed and dried using the child's individual toilet accessories. Staff persons shall wash their hands before and after changing diapers as a routine procedure.

1130. INFANT NUTRITION

R9-5-421 Infant and Toddler Care Requirements.

Special formulas may be provided by the parents or by the center. If prepared by the center, the child's parent, guardian or physician shall supply advance written instructions and the special formula shall be prepared in accordance with those instructions through the use of the sanitary procedures governing the preparations of all food found in State Statutes and Regulations.

If the infant or toddler has any special dietary needs, the parent or guardian shall supply written directions for a modified diet which shall be on file in the center and conspicuously posted for staff reference.

The center shall meet the following requirements for feeding infants and toddlers:

> All infants under six months of age or older children who cannot hold their own bottle, shall be held when being fed with a bottle. Bottles shall never be propped. Each child's bottle shall be individually labeled. Bottles, nipples, and bottle covers shall be sterilized prior to reuse.

As soon as they are of sufficient age, infants and toddlers shall be spoon fed from individual spoons and containers and they shall be encouraged to feed themselves as soon as this desire is exhibited.

As soon as the child is able, (s)he shall sit in a chair at a table of appropriate size during feeding.

Highchairs shall be equipped with a safety strap and shall be constructed so that the chair will not topple. The Department may waive the safety strap requirement if the design and construction of the chair is such that a safety strap is not needed. The tray or feeding surface shall be smooth, free of cracks, and shall be sanitized prior to each use.

A sturdy adult size chair, preferably a rocker, shall be provided in the infant room for staff use in holding and feeding infants.

The center shall provide for infants an unobstructed free play area of a minimum of 35 square feet with non-abrasive carpeting upon which infants may safely and comfortably sit, crawl, play and toddle.

In every infant and toddler room there shall be a procedure for recording and relaying to parents and staff information concerning any significant occurrences in the child's progress including new or unusual behavior.

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

R9-5-422 Special Children Care Requirements.
The staff shall be provided with in-service training or consultation to enhance their ability to meet the needs of special children who are enrolled. All in-service training or consultation shall be documented in writing and a copy of that record shall be kept at the center.

The center shall provide appropriate program equipment subsitutions or physical plant modifications to meet the varying needs of special children who are enrolled.

Special children shall be integrated into the daily activities of the center whenever possible.

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

R9-5-413 Physical Plant Construction.

When a center is located in a multiple use building (e.g., church, community building, or family residence), the building or portion thereof to which children have access shall be used only for child care purposes during the center's hours of operation.

When a center is located in a multiple use building, the entire building must conform to all construction code requirements for new centers unless the center has required fire separation.

The center shall provide a safe vehicle loading and unloading area for children. This vehicle loading and unloading area shall be located in an area away from moving traffic and hazardous obstructions. The vehicle loading and unloading areas shall also be indicated on the site drawing submitted to the Department for approval.

R9-5-414 Activity Area Requirements.
The center shall provide at least 25 square feet of interior activity space per child, except that at least 35 square feet of indoor activity space per child shall be provided for infants and toddlers.

The center shall provide at least 35 square feet of indoor activity space per child when toddlers are mixed with older children.

The indoor activity space shall be occupied only by the children's play materials, equipment, or children's furniture.

The floor space of kitchen, bathrooms, closets, halls, storage areas and rooms, recreation areas, isolation rooms, offices, and other rooms designated for staff use as well as wall thickness shall be excluded in computing the minimum indoor activity space.

Room space used for other things such as storage, teacher's desk, file or record cabinets, fixed storage cabinets, or closets shall not be counted as activity space in computing licensed capacity.

The licensed capacity of indoor activity space shall be posted conspicuously in each room with indoor activity space on forms furnished by the Department.

Computation of indoor activity space in centers which are located in multiple-use buildings (e.g., where the center does not utilize the entire building) shall be limited to those areas which are used exclusively by the center during its hours of operation. There shall be an isolation area which can be separated from children in indoor activity space.

The isolation area shall not be included in computing the minimum indoor activity space.

A child in the isolation area shall be supervised at all times by qualified staff personnel.

Except as permitted by this Regulation, there shall be an outside play area for child care which meets the following requirements:

The outside play area shall be of sufficient size to allow all children reasonable scheduled access, and shall contain at least 75 square feet for each child occupying the area at any time. The outside play area shall contain a minimum of 75 square feet per child for at least 50 percent of the center's licensed capacity. The area shall be contiguous with the center or easily accessible without the need to cross thoroughfares, streets, or highways, shall be fenced to ensure the safety of the children, and shall be free from hazards.

The outside play area shall have non-hazardous play surface and resilient material under swings and play equipment where children may fall. A hard surfaced area may be provided for wheeled vehicles.

Dust and windborne sand or dirt shall be kept to a minimum.

Adequate shade areas shall be available during summer months.

All play areas shall be directly supervised when in use, in accordance with staff ratios.

Outside play equipment shall be arranged to minimize hazard from conflicting activities.

An outside play area shall not be required when all of the following conditions are met:

No child attends the center more than four hours per day; and

The center provides at least 50 feet of indoor activity space per child; and

The indoor activity space conforms with the requirements.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

R9-5-413 Physical Plant Construction.
Heating and cooling - Rooms used by children shall be maintained at temperatures between 68° and 82° F. Ventilation shall not subject children to drafts.

Lighting and electrical - Center buildings shall be lighted and free of glare. A minimum of thirty foot candles of illumination shall be maintained at work and play areas.

1430. EXITS

R9-5-413 Physical Plant Construction.
Each room licensed for use by children shall have at least one approved exit, except that rooms exceeding 1,000 square feet shall have at least two approved exits.

Each infant room licensed for 5 or fewer infants shall have at least one approved exit. Each infant room licensed for more than 5 infants shall have at least two approved exits.

Exiting from a center shall be accomplished by one or more of the following methods:

Through an approved exit directly to the exterior;

Through an approved exit access corridor;

By means of an approved stairway;
Through an intervening room.

An approved exit door shall be 36 inches in width and at least 6 feet, 8 inches in height, except in infant rooms; two doors 32 inches in width and at least 6 feet, 8 inches in height may be substituted.

A pair of doors which open together, each leaf to be a minimum of 2 feet, 6 inches in width and at least 6 feet, 8 inches in height may be substituted for the door required above.

1440. TOILETS AND LAVATORIES

R9-5-413 Physical Plant Construction.

Toilets and lavatories (handwashing sinks) easily accessible to children within the center shall be provided in the following minimum ratio:

At least one flush toilet and one lavatory for ten or fewer children;

At least two flush toilets and two lavatories for eleven to twenty-five children;

At least one flush toilet and one lavatory for each additional twenty children.

Note: Infants who use diapers are not included in this calculation.

The facilities shall be child-sized or equipped so that children can use them without assistance.

An approved diaper changing area shall be provided in each room housing diapered children.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

Not specified

1530. BUILDING

Not specified

1540. HEALTH

Not specified

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are from the Arkansas Department of Human Services, Minimum Licensing Requirements for Day Care Centers, September, 1980.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

I Licensing Authority and Definition - Facilities Requiring Licensing.

"Child Care Facility" means any facility which provides care, training, education, custody, or supervision for any minor child who is not related by blood, marriage, or adoption to the owner or operator of such a facility, whether or not the facility is operated for profit, and whether or not the facility makes a charge for the services offered by it, and this definition includes, but is not limited to, a nursery school, a kindergarten, a day care center, or a family day care home, foster homes, group homes and custodial institutions.

112. Exclusions and Exemptions

ARK. STAT. ANN. § 83-918 Religious exemption — Inspection -- Correction of abuse.

Any religious child care facility organized and operating as of July 1, 1969, shall be exempted from the institution child care standards provided that the governing body of said religious child care facility requests that their child care institution be exempted from the licensing standards because conformity with said licensing standards violates basic religious tenament (tenet) of the church as it relates to separation of church and state and that said governing body certifies each year that their institution has met the fire, safety and health standards of either state or local fire, safety and health inspections and further that they certify that they are in substantial compliance with the published standards under which similar nonreligious facilities are required by the state to operate.

No institution which files or has filed such certification with the Board shall hereafter be subject to inspection by the Child Care Facility Review Board.

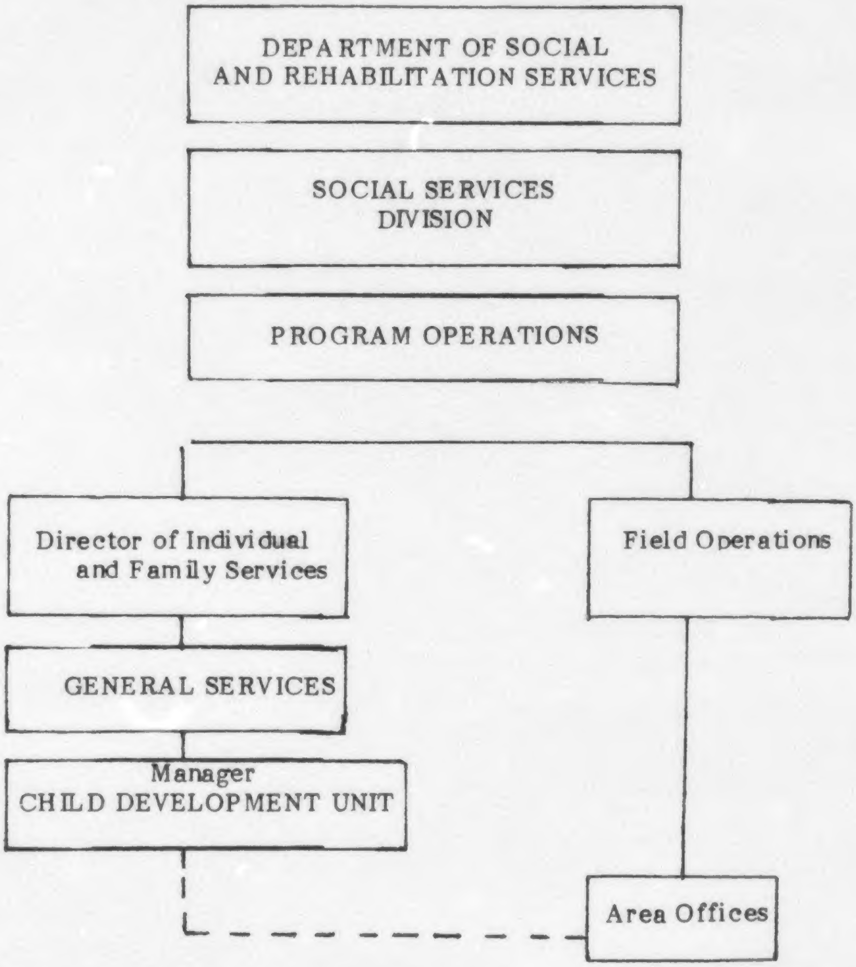
I Licensing Authority and Definition - Facilities Requiring Licensing.
The following do not require a license: (1) special schools or classes operated solely for religious instruction; (2) facilities operated in connection with a church, shopping center, business or establishment where children are cared for during short periods of time while parents or persons in charge of such children are attending church services, shopping, or engaging in other activities during such periods; (3) any educational facility, whether private or public, which operates solely for educational purposes in grades one or above and does not provide any custodial care; (4) kindergartens operated as part of the public schools of this State; (5) any situation, arrangements, or agreement by which one or more persons care for the children of not more than four (4) families at the same time, but not to exceed six (6) children.

113. HHS Day Care Compliance

I Licensing Authority and Definition.
If a facility requests participation in a federally funded child care program, it shall *also* meet Health and Human Services Day Care Requirements as administered by the Arkansas Division of Social Services staff in addition to the Minimum State Requirements.

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit


DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES
SOCIAL SERVICES DIVISION
PROGRAM OPERATIONS
Director of Individual and Family Services
Field Operations
GENERAL SERVICES
Manager CHILD DEVELOPMENT UNIT
Area Offices

The day to day licensing functions are carried out by licensing staff in area offices under the direct supervision of the state central office.

122. Responsible Official

All inquiries should be addressed to:

Manager, Child Development Unit
Social Services Division
P.O. Box 1487
Little Rock, Arkansas 72203
(501) 371-7512

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

ARK. STAT. ANN. § 83-904 Rules and regulations by Child Care Facility Review Boards - Consultation with commissioner of education and other agencies - basis of regulations.

In establishing requirements and standards for the granting, revoking, refusing, and suspending of a license for a Child Care Facility the Welfare Department (Child Care Facility Review Board) shall adopt such rules and regulations as will: promote the health, safety and welfare of children attending a Child Care Facility; promote safe, comfortable, and healthy physical facilities for the children who attend the Child Care Facility; insure adequate supervision of the children by capable, qualified and healthy individuals; insure appropriate educational programs and activities within each Child Care Facility; and insure adequate and healthy food service where food service is offered by the Child Care Facility.

212. Advisory Body and Other Community Participation

I Licensing Authority and Definition - Child Care Facility Review Board Functions.

The Child Care Facility Review Board is composed of seven members including the Commissioner of the Social Services Division, the State Health Officer or his designee, one representative from the Family and Children's Services State Advisory Committee, three persons engaged in child care appointed by the governor, and one representative at large appointed by the governor. The State Commissioner of Education serves ex officio without voting power.

The Child Care Facility Review Board has the power to establish rules, regulations, and standards for licensing and operation of child care facilities. This includes all powers with respect to granting, revocation, denial, and suspension of licenses. Decisions regarding special situations shall be made on an individual basis by the Child Care Facility Review Board.

220. LICENSING PROCEDURE

221. Application and Issuance

I Licensing Authority and Definition.
An individual or group wishing to establish a child care facility may obtain an application for a license and related forms from Arkansas Social Services.

The applicant shall submit to Arkansas Social Services a plan for operation including the purpose of the facility, policies of admission, a list of staff and their qualifications, and a description of the services which will be provided to children.

ARK. STAT ANN. § 83-905 Application for license -- Issuance for one year -- Limiting number of children served by facility.

Any person, partnership, group, corporation, organization or association desiring to operate a Child Care Facility shall first make application for a license for such a facility to the Welfare Department on the application forms furnished for this purpose by the Welfare Department. The Welfare Department shall act on any such application within sixty (60) days after it has been received by the Welfare Department. If an applicant meets the requirements of this Act and the published rules and regulations of the Welfare Department regarding minimum standards for a Child Care Facility, the applicant shall be granted a license by the Welfare Department as a Child Care Facility, which license shall continue in effect for one (1) year or until revoked or suspended as provided herein.

ARK. STAT. ANN. § 83-907 License limited to location stated — Not transferable.

A license for a Child Care Facility shall apply only to the address and location stated on the application and license issued, and it shall not be transferable from one holder of the license to another or from one place to another. If the location of a Child Care Facility is changed or the operator of the Child Care Facility is changed the license for that Child Care Facility shall automatically be revoked on such a change.

222. Fee Charged

Not specified

223. Areas of Investigation

I Licensing Authority and Definition.

The facility shall be inspected and approved by Arkansas Social Services staff before a license may be issued by the Child Care Facility Review Board. A licensee shall not accept more children than the maximum specified on the license. Arkansas Social Services shall have authority to visit and inspect the facility. Ordinarily, this visit shall be made after appropriate notice has been given to the Director or the person in charge of the facility.

224. License Renewal

XIII Licensing Procedure.
The license shall be renewed one year from the date of issuance and each year thereafter.

225. Conditional/Provisional Licenses

ARK. STAT. ANN § 83.906 Provisional licenses.
If the Welfare Department finds that an applicant for a Child Care Facility meets the licensing requirements for a Child Care Facility in the main and has a reasonable expectation of correcting deficiencies in a reasonable time, the Welfare Department may, in its discretion, issue a provisional license for a Child Care Facility, with such provisional license to be in effect for a reasonable time, not to exceed six months, which time shall be specified in the provisional license. Issuance of provisional licenses shall be in accordance with the published rules and regulations adopted by the Welfare Department in accordance with this Act.

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

ARK. STAT. ANN. § 83-908 Inspections and investigations of facilities and personnel.

The Welfare Department or any other agency of the State of Arkansas which the Welfare Department asks to assist it is authorized to make an inspection and investigation of any proposed or operating Child Care Facility and of any personnel connected with that facility to the extent that such an inspection and investigation is required to determine if the Child Care Facility will be or is being operated in accordance with this Act (§§83-901 — 83-916) and the published rules and regulations of the Welfare Department for Child Care Facilities.

232. Denial, Suspension, Revocation of a License

ARK. STAT. ANN. § 83-910 Denial, revocation, or suspension of license — written notice.

The Welfare Department shall have the power to deny, revoke, or suspend a license for a Child Care Facility if an applicant or licensee has failed to comply with the provisions of this Act (§§83-901 — 83-916) or any published rule or regulation of the Welfare Department relating to Child Care Facilities. If a license is denied, revoked or suspended such denial, revocation, or suspension shall be effective when made and the Welfare Department shall notify the applicant or licensee of such action in writing and set out the basis for the denial, revocation or suspension of the license.

Appendix C - show cause hearing and denial, revocation, or suspension of license written notice.

Whenever the Child Care Facility Review Board determines that a situation exists in a facility that jeopardizes the health, safety, or welfare of a child or children in the facility, so that continued operation of the facility may result in death or injury to a child or children in the facility, the Board may summarily suspend the license and direct that the facility cease operation immediately, and thereafter set down a hearing for the facility to show cause why the license of the facility should not be revoked or proper action taken under the provisions of the Administrative Procedures Act.

The Commissioner of Arkansas Social Services as chairman of the Child Care Facility Review Board is authorized and directed to act for the Board, when the Child Care Facility Review Board is not in session, to determine if an emergency situation exists; and to take immediate action to deny, revoke or suspend a license and order immediate closure of the facility. The action of the Commissioner shall be reviewed within five (5) days by a quorum of the Child Care Facility Review Board and his action revoked or confirmed; and thereafter the matter shall be set down for a hearing for the facility to show cause why the license of the facility should not be revoked or proper action taken under the provisions of the Administrative Procedures Act.

233. Remedies and Sanctions

233.1 Hearings

ARK. STAT. ANN § 83-911.1 Adjudication procedures.
The Child Care Facility Review Board shall follow the procedures prescribed for adjudication in the Arkansas Administrative Procedures Act (§§5-701 — 5-714).

Appendix C - show cause hearing and denial, revocation, or suspension of license written notice.

If a complaint is received from Arkansas Social Services or from any interested person that a facility is not complying with the provisions of this Act or any published rule or regulation of Arkansas Social Services relating to child care facilities, the Child Care Facility Review Board shall issue a notice to the facility to show cause why their application for a license should not be denied or their license revoked or suspended. A show cause hearing shall be held at the next regular meeting of the Board at which time Arkansas Social Services or the complainant shall present evidence in support of their allegation that the facility is not in compliance with the provisions of this Act or any published rule or regulation. The facility may be represented by counsel and will be given an opportunity to refute the allegations.

After a hearing to show cause why a facility's license should not be denied, revoked, or suspended, the Child Care Facility Review Board may deny, revoke, or suspend the license of a child care facility. If the facility fails to appear for the show cause hearing, the allegations of the complainant or Arkansas Social Services shall be taken as confessed, and the Child Care Facility Review Board may deny a license, or revoke or suspend an existing license. If the Board finds, from evidence presented, that the child care facility has failed to comply with the provisions of this Act or any published rule or regulation; the Board may deny a license, or revoke or suspend an existing license. Revocation or suspension shall be effective when made, and Social Services shall notify the applicant or licensee of such action in writing and set out the basis for the denial, revocation, or suspension of the license.

The granting, denial, or renewal of a license will be preceded by notice and an opportunity for hearing, as provided in cases of adjudication.

When a licensee has made timely and sufficient application for the renewal of a license or a new license with reference to any activity of a continuing nature, the existing license shall not expire until the application has been finally determined by the Child Care Facility Review Board, and, in case the application is denied or the terms of a new license limited, until the last day for seeking review of the Board order, or a later date fixed by order of the reviewing court.

No revocation, suspension, annulment, or withdrawal of any license is lawful unless, prior to the institution of Board proceedings, the Child Care Facility Review Board gave notice by mail to the licensee of facts or conduct warranting the intended action, and the licensee was given an opportunity to show compliance with all lawful requirements for the retention of the license.

233.2 Decisions

See 233.1 Hearings

233.3 Judicial Review

ARK. STAT. ANN. § 83-914 Misdemeanors — Penalties.

Any person violating any provisions of this Act (§§83-901 -- 83-916) and any person assisting any partnership, group, corporation, organization or association in violating any provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than $25.00, and not more than $100. Each day of such violation shall constitute a separate offense.

ARK. STAT. ANN. § 83-915 Injunctions.

When any person, partnership, group, corporation, organization or association shall operate or assist in the operation of a Child Care Facility which has not been licensed by the Welfare Department in accordance with the provisions of this Act (§§83-901 -- 83-916), the Welfare Department shall have the right to go into the Chancery Court in the jurisdiction in which the Child Care Facility is being operated, and upon affidavit secure a writ of injunction, without bond, restraining and prohibiting the person, partnership, group, corporation, organization or association from operating the Child Care Facility.

ARK. STAT. ANN. § 83-917 Declaratory judgments on regulations.

Any rule or regulation promulgated by the Welfare Department under authority of Sect. 3 of Act 434 of 1969, or under any other child care facility licensing law, shall, at the suit of any interested person instituted in the Chancery Court of Pulaski County, be subject to remedies provided by law for obtaining declaratory judgments; provided that the Welfare Commissioner shall be named a party defendant and summoned as in an action by ordinary proceedings.

Appendix C - show cause hearing and denial, revocation, or suspension of license written notice.

When in a case of adjudication a majority of the officials of the Child Care Facility Review Board who are to render the decision have not heard the case or read the record, the decision, if adverse to a party other than the Board, shall not be made until a proposal for decision is served upon the parties, and an opportunity is afforded to each party adversely affected to file exceptions and present briefs and oral argument to the officials who are to render the decision. The proposal for decision shall contain a statement of the reasons therefore and of each issue of fact or law necessary thereto, prepared by the person who conducted the hearing.

In every case of adjudication, a final decision or order shall be in writing or stated in the record. A final decision shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If, in accordance with agency rules a party submitted proposed findings of fact, the decision shall include a ruling upon each proposed finding. Parties shall be served either personally or by mail with a copy of any decision or order.

In cases of adjudication, any person who considers himself injured in his person, business, or property by final Child Care Facility Review Board action shall be entitled to judicial review thereof under this Act. Nothing in this Section shall be construed to limit other means of review provided by law.

The court may affirm the decision of the agency or remand the case for further proceedings. It may reverse or modify the decision if the substantial rights of the petitioner have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

in violation of constitutional or statutory provisions;
in excess of the agency's statutory authority;
made upon unlawful procedure;
affected by other error of law;
not supported by substantial evidence of record; or
arbitrary, capricious, or characterized by abuse of discretion.

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

II Organization and Administration.

The board, or director if there is no board, shall be responsible for operating the facility and shall have final responsibility to ensure that the facility shall meet minimum licensing requirements.

Written statements of policy shall be made available for review during the licensing process, these shall include but not be limited to the following:

Purpose and operational policies of the center
Policies pertaining to the admission and discharge of children
Policies pertaining to the care and discipline of children
Title, duties and hours of each employee.
If the center has a governing board, there shall be clear lines of responsibility for the board and administrator.

III Staff.

Director - All facilities shall have a director and/or person in charge on the premises at all times. The name of the person in charge shall be posted.

The director shall be responsible for planning, managing and controlling the facility's daily activities.

VI Records.

General Facility Records shall be kept and made available to Arkansas Social Services Licensing staff on request.

These records shall include the following:

General attendance records of all children
Fire Department Inspection reports

Arkansas State Department of Health Inspection reports
Local zoning approval, if applicable
Liability insurance certificate
Policies governing the center
Record of routine emergency drills noting dates, time of day, and length of drill
Summary report of accidents or injuries which occur in the center.

312. Telephone

VIII Buildings and Grounds.

A day care center shall have a telephone if the service is available in the community.

313. Proof of Operator Financial Capabilities

XI Safety.

Evidence of financial responsibility of a minimum of $100,000 or liability insurance of a like amount shall be required.

314. Insurance

See 313. Proof of Operator Financial Capabilities

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

III Staff.

Any person convicted of a felony or misdemeanor involving moral turpitude shall not serve as a staff member.

Any person convicted of a felony or misdemeanor involving child abuse or neglect of a child shall not serve as a staff member.

Any substantiated report of child abuse or neglect shall be considered in determining the employment of a staff member.

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS

341. Children

VI Records.

Child records shall be kept and made available to Arkansas Social Services Licensing Staff on request. These records shall include the following:

> Application form which includes the child's name and date of birth, name of parent or guardian, telephone numbers and work hours of parents or guardians.
>
> The name, address and telephone, (home and business) of a responsible person to contact in an emergency if the parent or guardian cannot be located promptly.
>
> Name, address and phone number of child's physician.
>
> Written permission of parent or guardian authorizing emergency medical care.
>
> Permission slip signed by parents or guardian authorizing the child to be taken on field trips.

Pertinent medical history on the child; and any change in health, including accident or injuries that occur in the center.

Name of person(s) authorized to pick-up child.

An authorized record of up-to-day immunizations as required by the Arkansas State Department of Health. The center should maintain a roster of children who have not completed the minimum immunization requirements.

342. Staff

VI Records.

Staff records shall be kept and made available to Arkansas Social Services Licensing Staff on request. These records shall include the following:

Name, date of birth, address and telephone number
Education, training and experience
Health records, including current health card and/or physician's statement
At least two character or employment references
Daily attendance record
Date of employment and date of separation
Training session attendance

343. Child Eligibility and Enrollment Requirements

Not specified

344. Child Abuse Reporting

XI Safety.

Reports of abuse or neglect of a child shall be thoroughly reviewed by the licensing agency. It is the responsibility of any child care worker to report any suspected abuse or neglect of a child to the County Social Services office.

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

III Staff.

The following staff/child ratios shall be maintained at all times:

Ages 2 1/2 and 3 years - 1 worker per 12 children
4 years - 1 worker per 15 children
5 years to first grade - 1 worker per 18 children
First grade and older - 1 worker per 25 children

In a group containing children of different ages, the staff/child ratio shall meet the requirements for the youngest child in the group. In the event that during lunch or outdoor play activities, children of different age groups are together in large areas, the staff/child ratio for the respective age groups shall be maintained.

412. Methods of Computing Staff/Child Ratios

III Staff.

Additional staff provisions shall be made for the following:

Preparation and serving of food.
Housekeeping activities.
Absence of staff members.
Emergencies and accidents with children or staff which make it necessary for a staff member to be absent from the center.

If a facility has an attendance of more than fifty (50) children, the director and/or person in charge shall not be included in the staff/child ratio except during naptime.

If a director is in charge of more than one child care facility, and the combined attendance exceeds fifty (50) children, the director shall not be included in the staff/child ratio in any of the facilities.

420. GROUP SIZE

421. Group Size as of March, 1981

See 411. Staff/Child Ratio as of March, 1981

422. Methods of Computing Group Size

See 411. Staff/Child Ratio as of March, 1981

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

III Staff.

Staff members shall be between the ages of 18 and 70. Staff members under age 18 or over age 70 shall be considered on an individual basis and shall be under the direct supervision of the director or the person in charge of the center.

512. Health

III Staff.

All persons working in a child care center in any capacity, including volunteers, shall obtain a health card or physician's statement showing the absence of communicable disease and tuberculosis. This shall be renewed on a yearly basis.

Any person caring for children shall be physically able to carry out his/her assigned tasks and responsibilities.

If a child care center is operated in a private home, a health card or physician's statement shall be required of household members who may come in contact with the children.

513. Education

III Staff.
Staff members shall be able to read and write.

514. Experience

Not specified

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

III Staff.
The director and/or person in charge of the center shall be between the age of 21 and 70 years. Directors older than 70 shall be considered on an individual basis.

522. Health

See 512. Health

523. Education

III Staff.
Directors of centers opening on or after October 1, 1970 shall have the minimum of a high school education or a CDA credential.

524. Experience

Not specified

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

III Staff.

The director and the program staff shall attend one or more training sessions regarding child care during the year.

542. Child Caregiver Staff

See 541. Program Director

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

IV Program.

Program is defined as all activities that comprise the child's day at the center.

A schedule of the program (daily activities) shall be written, posted, and followed with reasonable closeness.

There shall be at least one hour of outdoor play per day in suitable weather. There shall be opportunities for vigorous play either outdoors or indoors regardless of the weather.

The program shall include a good balance between individual and small group play. It shall also offer alternating periods of active play and quiet times throughout the daily session. Children shall have opportunities to engage in group activities and quiet play.

612. Program Equipment and Materials

VIII Buildings and Grounds.

There shall be playground equipment appropriate for the age and number of children enrolled in the facility. Equipment shall be properly anchored, safe and shall offer a variety of activities.

IX Furniture and Equipment.

Each day care center shall be equipped with toys, books and play apparatus to take care of the needs of the total group and to provide each child with a variety of activities throughout the day. A variety of this equipment shall be accessible from low shelves to the children of all ages.

Chairs and tables shall be the size appropriate to the body measurements and ages of children. There shall be a minimum of one sturdy chair for each child in attendance.

613. Nap Provision

III Staff.

Additional staff provisions shall be made for the following:

> During naptime a minimum of 50% of the staff shall remain with the children, with a total of 75% of the staff remaining in the building. At no time shall children be left unattended.

IV Program.

There shall be a supervised rest period of at least one hour on individual cots or mats for all pre-school children who attend for more than five hours. Children who arrive at lunch or shortly after shall be required to rest.

IX Furniture and Equipment.

Sleeping arrangements shall provide for a comfortable and safe rest period for children.

There shall be a labeled individual cot or mat, bottom sheet, and adequate cover for each child who remains for more than five (5) hours in the day care center. This requirement shall also apply when a child arrives at the center during nap time or for evening care.

The use of mats shall also be acceptable if the following guidelines are met:

> Mats shall be heavy duty, non-folding and be at least two inches thick, 2 feet wide and 4 feet in length and covered in a washable, waterproof material.
>
> Mats shall be allowed only in facilities which are carpeted and are draft free.
>
> There shall be adequate cover for each child.

614. Discipline and Guidance

V Discipline.

The use of discipline shall not be humiliating, frightening, or physically harmful to children. Discipline shall be consistent and individualized for each child, it shall be appropriate to the child's level of understanding; and be directed toward teaching the child acceptable behavior.

Discipline shall not be associated with food, rest, toilet training or isolation for illness.

Labeling of the child as "bad," "naughty," etc., should be avoided. Inappropriate punishment including physical punishment, restraint, scolding, harsh treatment, isolation without supervision, verbal abuse, sarcasm, threats or derogatory remarks about the child or his family have no place in a well managed day care center.

Methods of discipline used by the center shall be discussed with each child's parent at the time of enrollment.

If the policy of a facility includes physical punishment, it shall be administered only with the prior written consent of the parent or guardian with the following guidelines being met:

Punishment is to be administered by the director or person in charge.

An adult witness is to be present.

Any spanking shall be administered below the waist and preferably with an open hand on the buttocks.

Children shall not be punished or berated in any way for soiling their clothes. Clean clothes shall be available for those children who, because of age or other circumstances, might accidentally soil themselves.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Not specified

712. Health Assessments

Not specified

713. Immunizations

See 341. Children

714. Sanitation

X Health.

Paper towels are preferable for children's use. If regular towels are used there shall be one for each child. These shall be laundered daily.

Soap shall be available.

Hot and cold running water shall be available in each lavatory.

Water shall be dispensed by any of the following means:
- Fountain.
- Paper cups.
- Individually labeled cup which shall be washed daily.

715. Daily Illness Screening

X Health.

Children shall be checked each morning on arrival for contagious or infectious disease and not admitted if ill.

716. Care of Sick Children

X Health.

Any child who becomes ill and unable to participate in the daily activities shall be isolated and supervised. Appropriate action should be taken to meet the individual needs of the child. Parents or guardian shall be notified immediately.

717. Medication and Special Diet Provisions

X Health.

Medication shall be given to children only with written parental permission.

718. Waiver of Health Requirements

Not specified

720. SAFETY

721. General Safety Requirements

VIII Buildings and Grounds.

All space within a center shall be kept clean and free of hazardous or potentially hazardous objects.

Floor and floor covering shall be in good condition and kept sanitary. Torn or worn covering shall be replaced to prevent accidents. Paints used in any way in the facility shall be lead free.

Outdoor play space shall meet the following requirements:

The area shall be well drained.
The area shall be free of hazards or potentially hazardous objects.

Mobile homes shall not be used as day care centers. Mobile homes currently licensed (prior to July 1, 1980) as day care facilities may continue to be used if tied down as recommended by the Defense Department's Civil Preparedness Agency.

IX Furniture and Equipment.

Paint on toys and other materials used by the center shall be lead free.

X Health.

Smoking shall be prohibited in the presence of children and shall be limited to a designated area.

XI Safety.

All detergents, cleaning supplies and poisons shall be kept out of the reach of children.

722. Fire Safety Requirements

VIII Buildings and Grounds.

Outdoor play space shall meet the following requirements:

> There shall be an emergency exit from the play area, far enough from the building to provide a safe exit in the event of fire.

723. Transportation

XI Safety.

Any person driving a vehicle transporting children for day care purposes shall meet staff age requirements and have a current Arkansas driver's license.

The vehicle shall be licensed, insured and maintained in proper working condition.

724. Safety Requirements for Equipment

IX Furniture and Equipment.

All equipment shall be sturdy and safe and shall be free from sharp edges, protruding nails and splinters.

725. Water Activities (Including Swimming)

XI Safety.

Any pool of water in excess of 12 inches deep is defined as a swimming pool. This does include natural pools of water such as lakes, ponds and rivers.

Swimming pools and natural pools of water, such as lakes and ponds may be used for water play if the following requirements are met:

Health Department approval where applicable.

Written parental permission.

There shall be one person present at all times who has received Red Cross Life Saving certification or is a Water Safety Instructor (WSI).

Adult supervision of the children at all times, with grouping based on the following child/staff ratio (unless children are enrolled in an authorized swimming instruction program):

	Non-Swimmers	Swimmers
lst gr. & up	1:6	1-12
5 years	1:5	1-10
4 years	1:3	1-6
2 1/2 - 3 years	1:2	1-5

In the event that children of different ages are swimming in a group the staff/child ratio shall be based on the youngest child within the group.

Swimming pools located within the enclosed play area of the center shall have a fence and a locked gate.

726. Emergency Procedures

X Health.

Parent shall be notified of contagious illness in the center as soon as possible.

XI Safety.

There shall be written fire and tornado policy. Routine emergency drills shall be practiced monthly and staff shall be thoroughly familiar with safety drill procedures.

727. First Aid Supplies

X Health.

A first aid supply shall be kept in reach of the staff, but not in reach of the children. Medicine shall be kept out of the reach of the children.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

VII Nutrition.

The center shall plan, prepare, and serve a well-balanced noon meal offering a variety of foods. Menus shall be posted. Meals shall include 1/3 of the minimum daily nutritional requirements from each of the four basic food groups. Milk shall be provided to each child during the day.

Breakfast shall be made available for children who arrive early. A nutritious evening meal shall be available to children who are present during the supper hour.

Mid-morning and mid-afternoon snacks of nutritional value shall be provided for all children by the center.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

VII Nutrition.

Mealtime atmosphere shall be as enjoyable and relaxed as possible and no child shall be forced to eat, but shall be encouraged to set his or her own pace according to personal preferences.

Meals shall be served at tables so that each child may be seated. An adult staff member shall be present with the children while eating.

Vending machines shall not be available to children. Carbonated drinks shall not be made available to the children except on special occasions.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

VIII Buildings and Grounds.

If an Infant and Toddler Center and Day Care Center are operated in the same building, the areas designated for care of Infants and Toddlers shall be in rooms or quarters separate from the activity of other children. If it is necessary for the room or rooms to adjoin the section occupied by older children, provisions shall be made to prohibit the entrance of the older children into the Infant and Toddler area. This may be achieved by closing the door or installing a gate.

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

Not specified

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

III Staff.

Additional staff provisions shall be made for the enrollment of physically handicapped or emotionally disturbed children who require individual attention.

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

XII Care of School Age Children.

If a facility cares for school-age children (1st grade and above) for any portion of a day whether before and/or after school, or for extended periods during public/private school holidays or during the summer months, its program for care of school-age children shall comply with the Day Care Center Regulations with the following exceptions and/or additions.

There shall be a staff/child ratio of 1:25 for children aged first grade and above.

A rest period on cots is not required. However, a period for quiet activities must be provided.

If a facility designates an area of the center solely for the care of school-age children there shall be 25 square feet of indoor usable floor space per child.

If a facility utilizes the out-of-doors as its major program component for school-age children, covered pavillions and other roofed structures shall provide 25 square feet per child.

The requirement for an enclosed outdoor play area may be exempted at the discretion of the licensing worker, if health, safety, and fire hazards are not present. The space requirement for outdoor play area per child remains applicable.

Sack lunches shall be acceptable for school-age children.

There shall be a minimum ratio of 1 toilet and 1 wash basin per 30 school-age children. Separate toilet facilities for boys and girls shall be provided.

The program of activities for school-age children shall be flexible and provide an opportunity for a child to choose how he will spend his time.

A program for school-age children shall provide a variety of activities which may include the following: excursions to museums, zoos and parks, picnics, nature hikes, archery, trampolines, swimming, boating, fishing, horseback riding, physical education, skating and outdoor play.

The nature of many of these activities calls for special precautions to be taken to safeguard the health and welfare of children. Upon enrollment, parental permission shall be obtained and kept on file for each activity in which a child may participate.

1320. HEALTH AND SAFETY REQUIREMENTS

See 1310. PROGRAM OF ACTIVITIES

1400. FACILITY REQUIREMENTS

1410. SPACE

VIII Buildings and Grounds.

Thirty-five square feet per child of usable floor space shall be required for indoor activities. This does not include hallways, bathroom, and kitchen floor space. Separate space shall be provided for the isolation of children who become ill, and shall be located in an area that can be supervised at all times by a staff member.

Outdoor play space shall meet the following requirements:

> There shall be an approved enclosed space offering at least 75 square feet per child present on the playground at any given time.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

VIII Buildings and Grounds.

All parts of the center building used by the children shall be well heated, lighted and ventilated during each day. Glass doors shall be clearly marked. Doors and windows shall be tight enough to prevent drafts. When windows and doors are used for ventilation, heavy screens and proper safety precautions shall be taken. New or replacement windows or glass doors shall be plastic or tempered glass.

Heating shall be adequate to keep the floor warm and the room temperature between 68 and 75 degrees. Adequate ventilation shall be provided year round.

1430. EXITS

VIII Buildings and Grounds.

There shall be an emergency exit from the play area, far enough from the building to provide a safe exit in the event of fire.

1440. TOILETS AND LAVATORIES

X Health.

There shall be 1 toilet and 1 washbasin available for each group of fifteen (15) children.

While a bathtub is not required, the facility shall have a safe method for bathing children when necessary.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

VIII Buildings and Grounds.

Day Care Centers shall comply with local Fire and Health Department requirements, and building, plumbing and zoning ordinances. Written verification of the annual inspection by the Arkansas State Department of Health and Fire Department shall be on file in the facility.

1520. FIRE

See 1510. ZONING

1530. BUILDING

See 1510. ZONING

1540. HEALTH

See 1510. ZONING

1550. SANITATION

VIII Buildings and Grounds.

All facilities and equipment used for the preparation, storage and/or transporting of foods shall meet the Minimum Regulations of the Arkansas State Department of Health, Division of Sanitarian Services.

1560. NEW CONSTRUCTION

See 1510. ZONING

Except where otherwise noted, all citations are from the Arkansas Department of Human Services, Minimum Licensing Requirements for Infants and Toddlers in Day Care Centers, September, 1980.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

See DAY CARE CENTERS

112. Exclusions and Exemptions

See DAY CARE CENTERS

113. HHS Day Care Compliance

See DAY CARE CENTERS

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

See DAY CARE CENTERS

220. LICENSING PROCEDURE

221. Application and Issuance

See DAY CARE CENTERS

222. Fee Charged

Not specified

223. Areas of Investigation

See DAY CARE CENTERS

224. License Renewal

Not specified

225. Conditional/Provisional Licenses

See DAY CARE CENTERS

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

See DAY CARE CENTERS

232. Denial, Suspension, Revocation of a License

See DAY CARE CENTERS

233. Remedies and Sanctions

233.1 Hearings

See DAY CARE CENTERS

233.2 Decisions

See DAY CARE CENTERS

233.3 Judicial Review

See DAY CARE CENTERS

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

See DAY CARE CENTERS

312. Telephone

See DAY CARE CENTERS

313. Proof of Operator Financial Capabilities

See DAY CARE CENTERS

314. Insurance

See DAY CARE CENTERS

320. PERSONNEL

321. Publication of Personnel Policies

See DAY CARE CENTERS

322. Constraints Against Employment

See DAY CARE CENTERS

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS

341. Children

See DAY CARE CENTERS

342. Staff

See DAY CARE CENTERS

343. Child Eligibility and Enrollment Requirements

Not specified

344. Child Abuse Reporting

See DAY CARE CENTERS

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

III Staff.

The following staff/child ratios shall be maintained at all times:

Ages 6 weeks to 18 months - 1 worker per 6 children
18 months to 3 years - 1 worker per 9 children

In a group containing children of different ages the staff/child ratio shall meet the requirements for the youngest child in the group.

Additional staff provisions shall be made for the following:

Preparation and serving of food.

Housekeeping activities.

Absence of staff members.

Emergencies and accidents with children or staff which make it necessary for a staff member to be absent from the center.

If a facility has an attendance of more than fifty (50) children, the director and/or person in charge shall not be included in the staff/child ratio.

412. Methods of Computing Staff/Child Ratios

See 411. Staff/Child Ratio as of March, 1981

420. GROUP SIZE

421. Group Size as of March, 1981

Not specified

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

See DAY CARE CENTERS

512. Health

See DAY CARE CENTERS

513. Education

See DAY CARE CENTERS

514. Experience

Not specified

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

See DAY CARE CENTERS

522. Health

See DAY CARE CENTERS

523. Education

See DAY CARE CENTERS

524. Experience

Not specified

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

See DAY CARE CENTERS

542. Child Caregiver Staff

See DAY CARE CENTERS

543. Support Staff

See DAY CARE CENTERS

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

IV Program.
All children in care, regardless of age, shall be given the opportunity for outdoor experiences.

The program shall include opportunities during each day for gentle holding, cuddling, and talking with infants. Children shall be cared for by the same person on a regular basis if possible.

The program shall include a good balance between individual and small group play, along with total group activity. It shall also offer alternating periods of active play and quiet times throughout the daily session. Children shall have opportunities to engage in group activities and quiet play.

612. Program Equipment and Materials

See DAY CARE CENTERS

613. Nap Provision

IV Program.
There shall be a supervised rest period of at least one hour for all children who attend for more than five hours. Children who arrive at lunch or shortly after shall be required to rest. Individual cots or cribs shall be available for each child as age requires.

IX Furniture and Equipment.
Sleeping arrangements shall provide for a comfortable and safe rest period for children.

A crib or safe playpen with a waterproof mattress which covers the bottom of the crib shall be provided for each child under 18 months of age. Cots may be used for children 18 months and older if they do not need to use a crib or playpen for rest.

Sides of the crib shall be secured for safety. All new or replacement cribs shall meet government safety standards with slats being no greater than 2 3/8" apart. Cribs should be placed at least two feet.

A bottom sheet and adequate cover shall be required for each child. Sheets shall be changed daily or more frequently when wet or soiled. Once a sheet or blanket has been used by one child, it shall not be used by another child until it has been washed or dry cleaned.

No more than 2 children shall be placed in a playpen for play. No more than 1 child shall be placed in a playpen for sleep.

Diapers and extra clothing shall be kept in labeled containers for each child.

614. Discipline and Guidance

V Discipline.
Physical punishment shall not be administered to children under three (3) years of age.

See also DAY CARE CENTERS

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Not specified

712. Health Assessments

Not specified

713. Immunizations

See DAY CARE CENTERS

714. Sanitation

X Health.

Plans shall be made for a safe diaper changing area. Care of diapers and training pants shall provide for the following:

> Soiled or wet diapers shall be removed and replaced with clean dry diapers.
>
> Soiled disposable diapers shall be placed in closed containers and discarded outdoors.
>
> Soiled cloth diapers shall be rinsed immediately. If they are provided by parents, these shall be stored in a container to be taken home.
>
> All used diapers and training pants provided by the center shall be laundered on a daily basis.
>
> A washbasin shall be readily available in the area in which infants and toddlers are cared for.

715. Daily Illness Screening

See DAY CARE CENTERS

716. Care of Sick Children

See DAY CARE CENTERS

717. Medication and Special Diet Provisions

See DAY CARE CENTERS

718. Waiver of Health Requirements

Not specified

720. SAFETY

721. General Safety Requirements

See DAY CARE CENTERS

722. Fire Safety Requirements

See DAY CARE CENTERS

723. Transportation

III Staff.

Transportation of children. One (1) adult for no more than three (3) children under 3 years of age.

XI Safety.

Any person driving a vehicle transporting children for day care purposes shall meet staff age requirements and have a current Arkansas driver's license.

A vehicle transporting children shall maintain a ratio of one adult for three children. There shall be a minimum of two (2) adults per vehicle.

The vehicle shall be licensed, insured and maintained in proper working condition.

724. Safety Requirements for Equipment

See DAY CARE CENTERS

725. Water Activities (Including Swimming)

XI Safety.

Any pool of water in excess of 12 inches deep is defined as a swimming pool. Swimming pools and natural pools of water such as lakes, ponds and rivers shall not be used.

726. Emergency Procedures

See DAY CARE CENTERS

727. First Aid Supplies

See DAY CARE CENTERS

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

See DAY CARE CENTERS

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

VII Nutrition.

Meals shall be served at tables so that each child may be seated. An adult staff member shall be present with the children while eating. Children who are unable to sit at a table shall be served in high chairs. Infants up to six (6) months of age shall be held for bottle feeding.

The use of baby food, bottles and formula shall be agreed upon by the caregiver and parent and may be provided by the parent. Adequate refrigeration shall be maintained with proper identification of the child's food and bottles.

See also DAY CARE CENTERS

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Not specified

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

Not specified

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

See DAY CARE CENTERS

1300. SCHOOL AGE CHILDREN

1310. PROGRAM ACTIVITIES

Not applicable

1320. HEALTH AND SAFETY REQUIREMENTS

Not applicable

1400. FACILITY REQUIREMENTS

1410. SPACE

See DAY CARE CENTERS

1420. LIGHTING, VENTILATION, AND TEMPERATURE

See DAY CARE CENTERS

1430. EXITS

See DAY CARE CENTERS

1440. TOILETS AND LAVATORIES

X Health.

There shall be 1 conventional commode and 1 washbasin for each group of fifteen (15) children in an Infant and Toddler Center. Potty chairs shall be added as needed.

Each center licensed for thirty (30) or more children shall have separate toilet facilities for the staff. In the event that an Infant and Toddler Center and a Day Care Center are operated in the same building, the toilet facilities for staff may be shared.

Children shall not be punished or berated in any way for soiling their clothes. Clean clothes shall be available for those children who, because of age or other circumstances, might accidentally soil themselves.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

See DAY CARE CENTERS

1520. FIRE

See DAY CARE CENTERS

1530. BUILDING

See DAY CARE CENTERS

1540. HEALTH

See DAY CARE CENTERS

1550. SANITATION

See DAY CARE CENTERS

1560. NEW CONSTRUCTION

See DAY CARE CENTERS

Except where otherwise noted, all citations are to State of California, Department of Health, Laws and Regulations Relating to the Licensing of Children's Day Care Facilities (Excerpts from the California Health and Safety Code and the California Administrative Code, Title 22, Division 2), May, 1972.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

CAL. HEALTH AND SAFETY CODE §1502 Definitions.
"Day care center" means any facility which provides nonmedical care to persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis.

CAL. HEALTH AND SAFETY CODE § License.
"License" means a basic permit to operate a community care facility.

A license shall not be transferable.

112. Exclusions and Exemptions

CAL. HEALTH AND SAFETY CODES §1505 Exempt Facilities.
The provisions of this chapter shall not apply to any of the following:

> Any neighborhood family day care home which is accredited by a school district.
>
> Any cooperative arrangement between parents for the care of their children by one or more of the parents where no payment for the care is involved.

Any arrangement for the receiving and care of persons by a relative or any arrangement for the receiving and care of persons from only one family by a close friend of the parent, guardian, or conservator, if such arrangement is not for financial profit and occurs only occasionally and irregularly, as defined by ~~regulations of the state department~~.

Any similar activity determined by the director.

113. HHS Day Care Compliance

31243 Facilities Receiving Federal Funds-Compliance with Federal Requirements.

Every nursery operated by a public, voluntary, or proprietary organization which enters into a contract to accept children whose care is paid from federal funds must meet Federal Interagency Day Care Standards as well as state licensing standards.

If the facility has one or more children for whom federal funds are received, it must meet federal staffing standards, as well as state standards set forth in previous subchapters of this chapter.

If a nursery has a substantial number of children enrolled in the facility for whom federal funds are received, it must meet all the standards as defined in this subchapter, as well as state standards. An operating agency is considered to be utilizing a substantial amount of federal funds when:

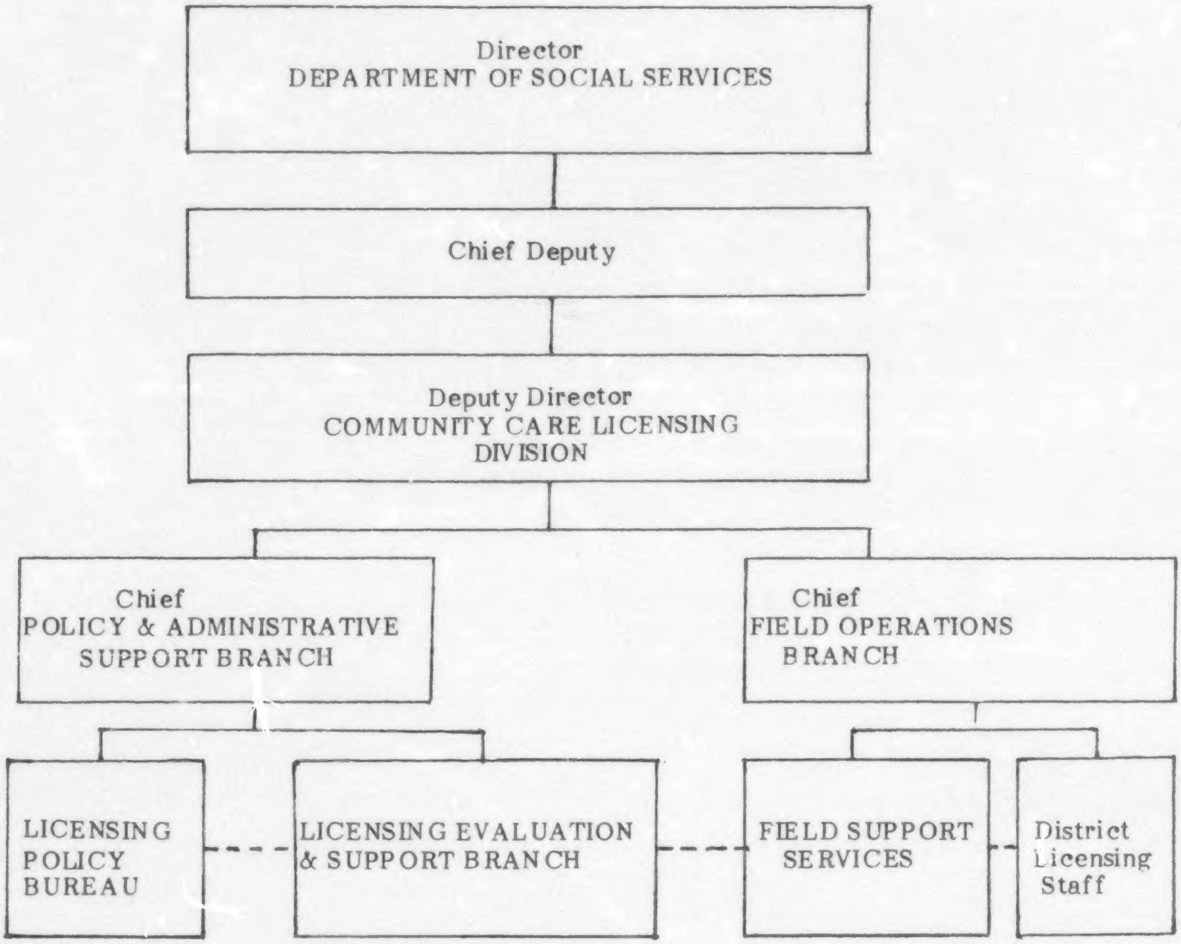
40 or more of the children enrolled are financed with federal monies; or

25 percent or more of the children enrolled in the day care program are provided with federal funds; or

23 percent or more of the income of the center comes from a combination of federal and state or local matching funds.

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit


Director
DEPARTMENT OF SOCIAL SERVICES
Chief Deputy
Deputy Director
COMMUNITY CARE LICENSING DIVISION
Chief
POLICY & ADMINISTRATIVE SUPPORT BRANCH
Chief
FIELD OPERATIONS BRANCH
LICENSING POLICY BUREAU
LICENSING EVALUATION & SUPPORT BRANCH
FIELD SUPPORT SERVICES
District Licensing Staff

Licenses are issued and revoked at the state/central office level. In those counties with which the state has a contract, the day to day monitoring functions are carried out by county staff. For the remaining counties, these functions are carried out by state licensing staff operating out of seven district offices. The state/central office monitors and provides consultation to the county staff performing the licensing function. The district licensing staff are under the direct supervision of the state/central office.

122. Responsible Official

All inquiries should be addressed to:

Deputy Director
Community Care Licensing Division
Department of Social Services
744 P Street
Mail Station 17-17
Sacramento, California 95814
(916) 322-8538

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

CAL. HEALTH AND SAFETY CODE §1530.
The state department shall adopt, amend, or repeal such reasonable rules, regulations, and standards as may be necessary or proper to enable the department to exercise the powers and perform the duties conferred upon it by this chapter, not inconsistent with any of the provisions of any statute of this state.

Such regulations shall designate separate categories of licensure under which community care facilities shall be licensed pursuant to this chapter. Such regulations shall also designate the specialized services which community care facilities may be approved to provide pursuant to this chapter.

212. Advisory Body and Other Community Participation

CAL. HEALTH AND SAFETY CODE §1532 Advisory Committee on Community Care Facilities; Membership; Duties; Compensation.

The Director of Health shall appoint a statewide Advisory Committee on Community Care Facilities consisting of 21 members to advise him on the delivery of care and services through community care facilities. The membership of the advisory committee shall be divided into three groups of seven members each, to be appointed at staggered intervals for three-year terms. The advisory committee shall advise the director regarding regulations, policy, and administrative practices pertaining to community care facilities. The advisory committee shall review proposed regulations for community care facilities, and submit its written comments to the director prior to the adoption of such regulations.

The Advisory Committee on Community Care Facilities shall be solely advisory in character and shall not be delegated any administrative authority or responsibility. Committee members shall be selected from concerned interests including representatives of professional associations, providers and employees of care and services, and consumers of all major types of community care facility services. Such members shall serve without compensation, but shall be reimbursed for actual and necessary expenses incurred in connection with the performance of their duties.

220. LICENSING PROCEDURE

221. Application and Issuance

CAL. HEALTH AND SAFETY CODE §1508-1509 Necessity of Licensure; Temporary Permit; County Facilities; Inspection, Licensure and Approval.

No person, firm, partnership, association, or corporation within the state shall operate, establish, manage, conduct, or maintain a community care facility in this state, without first obtaining a license therefor as provided in this chapter.

No person, firm, partnership, association, or corporation within the state shall provide specialized services within a community care facility in this state, without first obtaining a special permit therefore as provided in this chapter.

The state department shall inspect and license community care facilities. The state department shall inspect and approve a community care facility to provide specialized services.

CAL. HEALTH AND SAFETY CODE §1520 Applications for License; Contents. Any person desiring a license for a community care facility or a special permit for specialized services under the provisions of this chapter shall file with the state department, pursuant to regulations, an application on forms furnished by the state department, which shall include, but not be limited to:

> Evidence satisfactory to the state department that the applicant is of reputable and responsible character. If applicant is a firm, association, organization, partnership, business trust, corporation, or company, like evidence shall be submitted as to the members of shareholders thereof, and the person in charge of the community care facility for which application for license or special permit is made.
>
> Evidence satisfactory to the state department of the ability of the applicant to comply with the provisions of this chapter and of rules and regulations promulgated under this chapter by the state department.
>
> Such other information as may be required by the state department for the proper administration and enforcement of this chapter.

222. Fee Charged

CAL. HEALTH AND SAFETY CODE §1523 Fees; Payment of Portion on Application; Balance; Reduction, Waiver, or Exemption; Annual Assessment and Report.

Each application for a license or special permit submitted to the state department shall be accompanied by a fee to be determined annually by the director.

On and after January 1, 1974, no local jurisdiction shall impose any business license, fee, or tax for the privilege of operating a facility licensed under this chapter which serves six or fewer persons.

223. Areas of Investigation

CAL. HEALTH AND SAFETY CODE §1522 Criminal Record of Applicant; Ground for Refusal of Licensure.

Before issuing a license to any person or persons to operate or manage a community care facility, the state department shall secure from an appropriate law enforcement agency a criminal record to determine whether the applicant, facility administrator or manager, or the spouse of such persons living in the same location, has ever been convicted of a crime other than a minor traffic violation. If it is found that the applicant, facility administrator or manager, or the spouse of such persons living in the same location, has been so convicted, the application shall be denied, unless otherwise provided pursuant to this section.

After review of the record, the director may exempt any applicant for a license or certificate from the provisions of this section if the director or person in charge of the county inspection service believes the applicant to be of such good character as to justify issuance of a license.

224. License Renewal

CAL. HEALTH AND SAFETY CODE §1524 Duration of Licenses; Renewal; Expiration Upon Failure to Renew.

Each new license or special permit issued pursuant to this chapter shall expire 12 months from the date of its issuance. Application for renewal of a license or special permit accompanied by the necessary fee shall be filed with the state department not less than 30 days prior to the expiration date each year. Failure to make a timely renewal shall result in expiration of the license or special permit.

A renewal license or special permit may be issued for a period not to exceed two years, providing the licensee has been found not to be in violation of any statutory requirements, regulations, or standards during the preceding license period. In all other cases, the renewal license or special permit shall be issued for a period not to exceed one year.

225. Conditional/Provisional Licenses

CAL. HEALTH AND SAFETY CODE §1525 Issuance of License, Special Permit, or Provisional License.

The director may issue provisional licenses to operate community care facilities for facilities which the director determines are in substantial compliance with the provisions of this chapter and the rules and regulations adopted pursuant to this chapter. Such a provisional license shall expire six months from the date of issuance, or at such earlier time as the director may determine, and may not be renewed.

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

CAL. HEALTH AND SAFETY CODE §1533 Inspection by Department.

Any duly authorized officer, employee, or agent of the state department may, upon presentation of proper identification, enter and inspect any place providing personal care, supervision, and services at any time, with or without advance notice, to secure compliance with, or to prevent a violation of, any provision of this chapter.

CAL. HEALTH AND SAFETY CODE §1534 Periodic Inspection and Evaluation; Notification of Deficiencies and Noncompliance; Civil Penalties.

Every licensed community care facility shall be periodically inspected and evaluated for quality of care by a representative or representatives designated by the director. Evaluations shall be conducted at least once per year and as often as necessary to insure the quality of care being provided.

The state department shall notify the community care facility in writing of all deficiencies in its compliance with the provisions of this chapter and the rules and regulations adopted pursuant to this chapter, and shall set a reasonable length of time for compliance by the facility. Upon finding of noncompliance, the state department may levy a civil penalty not to exceed fifty dollars ($50) per day which shall be paid to the state department each day until the state department finds the facility in compliance. If the facility fails to comply within the established length of time, then the amount collected from the facility shall be forfeited to the state department. In such case, the state department may also initiate action against the facility in accordance with the provisions of Article 5 (commencing with Section 1550) of this chapter.

Reports on the results of each inspection, evaluation, or consultation shall be kept on file in the state department, and all inspection reports, consultation reports, lists of deficiencies, and plans of correction shall be open to public inspection in the county in which the facility is located.

232. Denial, Suspension, Revocation of a License

CAL. HEALTH AND SAFETY CODE §1525 Issuance of Licenses, Special Permits, or Provisional License.

Upon the filing of the application for a license or for a special permit and full compliance with the provisions of this chapter and the rules, regulations, and standards of the department, the director shall issue to the applicant the license or special permit. If the director finds that the applicant is not in compliance with the laws or regulations of this chapter, he shall deny the applicant a license or a special permit.

Immediately upon the denial of any application for a license or for a special permit, the state department shall notify the applicant in writing. Within 10 days after the state department mails the notice, the applicant may present his written petition for a hearing to the state department. Upon receipt by the state department of the petition in proper form, such petition shall be set for hearing.

CAL. HEALTH AND SAFETY CODE §1550-1554 Suspension or Revocation of License and Special Permits; Grounds; Temporary Suspension.

The state department may suspend or revoke any license or special permit issued under the provisions of this chapter upon any of the following grounds and in the manner provided in this chapter:

Violation by the licensee or holder of a special permit of any of the provisions of this chapter or of the rules and regulations promulgated under this chapter.

Aiding, abetting, or permitting the violation of any provision of this chapter or of the rules and regulations promulgated under this chapter.

Conduct in the operation or maintenance, or both the operation and maintenance, of a community care facility which is inimical to the health, morals, welfare, or safety of either an individual in or receiving services from the facility or the people of the State of California.

CAL. HEALTH AND SAFETY CODE §1552 Notice of Proposed Suspension of Revocation; Notice of Defense; Hearing; Final Determination.

When the director intends to seek the suspension or revocation of a license or special permit, he shall notify the licensee or holder of the special permit of the proposed suspension or revocation and at the same time shall serve such person with an accusation. Upon receipt of a notice of defense from the licensee or holder of the special permit, the director shall set the matter for hearing within five days after receipt of such notice. The director shall make a final determination as to whether to suspend or revoke the license or special permit within 30 days after the original hearing has been completed.

CAL. HEALTH AND SAFETY CODE §1553 Withdrawal of Application; Disciplinary Actions Following Suspension, Expiration or Forfeiture.

The withdrawal of an application for a license or a special permit after it has been filed with the state department shall not, unless the state department consents in writing to such withdrawal, deprive the state department of its authority to institute or continue a proceeding against the applicant for the denial of the license or a special permit upon any ground provided by law or to enter an order denying the license or special permit upon any such ground.

The suspension, expiration, or forfeiture by operation of law of a license or a special permit issued by the state department, or its suspension, forfeiture, or cancellation by order of the state department or by order of a court of law, or its surrender without the written consent of the state department, shall not deprive the state department of its authority to institute or continue a disciplinary proceeding against the licensee or holder of a special permit upon any ground provided by law or to enter an order suspending or revoking the license or special permit or otherwise taking disciplinary action against the licensee or holder of a special permit on any such ground.

233. Remedies and Sanctions

233.1 Hearings

See 232. Denial, Suspension, Revocation of a License

233.2 Decisions

See 232. Denial, Suspension, Revocation of a License

233.3 Judicial Review

CAL. HEALTH AND SAFETY CODE §1540-1543 Violations of Chapter or Regulations; Misdemeanor.

Any person who violates any of the provisions of this chapter, or who willfully or repeatedly violates any rule or regulation promulgated under this chapter, is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed five hundred dollars ($500) or by imprisonment in the county jail for a period not to exceed 180 days, or by both such fine and imprisonment.

CAL. HEALTH AND SAFETY CODE §1542 Actions Pending at the Time of Sale or Transfer of Facility; Abatement.

Any action brought by the director against a community care facility shall not abate by reason of a sale or other transfer of ownership of the community care facility which is a party to the action except with express written consent of the director.

CAL. HEALTH AND SAFETY CODE 31543 District Attorney; Institution and Prosecution of Actions.

The district attorney of every county shall, upon application by the state department or its authorized representative, institute and conduct the prosecution of any action for violation within his county of any provisions of this chapter.

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

31243 Facilities Receiving Federal Funds - Compliance with Federal Requirements.

Staff Training. The operating or administering agency shall provide or arrange for the provision of orientation, continuous inservice training and supervision of all staff involved in the day care program.

31191 General Requirements.

The organization of every facility shall be such that legal responsibility is clearly defined and administrative authority specifically placed.

The persons responsible for the facility shall determine what children the facility can best serve, establish a program to serve these children and adopt policies which permit the admission of only those children who need what the facility has to offer.

A written statement of program shall include:

The purpose of the service.
The administrative framework for providing the service.
The conditions under which it will be made available.
Whether the service will be provided by the facility or secured from another agency.

The persons responsible for the facility shall review the program and admission policies at least annually to be sure that the program offered is needed by the children under care.

31192 Group Care for Infants Under 2 Years.

Group day care of children 2 years of age shall be permitted for those children for whom the community involved offers no reasonable alternative, such as a sufficient number of family day care homes to provide adequate care, or to meet the special needs of particular groups, such as mothers attending school or training, or migrant workers living in special camps for migrant workers and shall be permitted only under the direction of a nonprofit facility.

31192.1 Reports of Personnel.

The name of the employed manager, if any; and the substitute manager shall be reported to the licensing agency prior to the granting of the license.

Individual Licensee. Each licensee who is an individual shall: be at least 18 years of age, meet the qualifications for the director or employ a director who meets these qualifications, meet the personal qualifications for all staff, and have the knowledge and ability to carry out the following responsibilities:

Knowledge of good administrative, educational, and child welfare practices.

Ability to communicate effectively in writing.

Knowledge and ability to develop personnel practices which will make it possible to attract and retain qualified staff.

Ability to organize time and materials.

Knowledge and ability to develop sound financial practices based on understanding of capital outlay, operational budgeting, and payroll procedures.

31194 Employed Director.

When a professionally qualified director is employed to administer a facility, a clear written statement of the administrative responsibility and authority delegated to the director shall be developed. This written statement shall be available to the director and to SDSW.

31198 Fees.

Fees shall be in writing as a schedule or chart and be available to and discussed with all applicants.

31201 Responsibilities of Directors.

There must be a responsible director in charge of the nursery at all times it is in operation. To be in charge means that (except for programs lasting more than eight hours) the director must usually be on the premises, available to staff, parents, and children. He may not accept outside employment which interferes with these duties.

In a proprietary institution the director may be the owner or an employee of the owner.

The structure of some organizations is such that substitution of the term "head teacher" is appropriate for the term "director". Such a difference in position title is acceptable provided the head teacher meets qualifications of the director and there is appropriate written delegation of responsibilities.

Licensees who are directors and who own two or more day nurseries must limit the responsibilities they carry. Each such day nursery must have a full-time director. The licensee may serve as the full-time director of one of the day nurseries or may serve as the executive director for all the day nurseries, employing a full-time director for each day nursery.

31203 Substitute for the Director.

When the director is required to be absent temporarily from the nursery, arrangements shall be made for another staff member at least 18 years of age to act as a substitute.

If the absence is for more than one month, the acting director must meet the qualifications of a director.

31210 Duties of Teachers-Day Nursery.

The teacher shall work full time with a group of children in keeping with the hours the nursery is in operation. The work with the children shall include planning and supervision of their care.

The teacher shall have responsibility for:

Supervising the children individually and as a group.

Providing care, guidance, and developmental experiences, meeting appropriate educational and emotional needs of the children.

The teacher shall not be expected to carry out simultaneously other responsibilities, except that during the children's rest period, he may perform some additional tasks related to his teaching function, provided the children are adequately supervised.

31215 Clerical, Housekeeping and Maintenance Staff.

Sufficient staff to carry out necessary clerical, housekeeping and maintenance functions shall be provided.

Persons employed for these functions shall not be included as teachers in considering the adequacy of teaching staff for regular supervision of groups, but may be used as emergency substitutes if personal qualifications and duties permit.

31221 Admission Policies.

Every nursery must establish admission criteria designed to guide in the selection of children who can benefit most from the program and services it has to offer.

Every nursery shall state its admission criteria in writing and make such written policies available to the public.

The admission policies established by each nursery shall be determined by the total program, including:

The hours of operation
The size of groups
The number and qualifications of staff
The program activities
The supplementary services provided.

Although its program will determine the specific admission policies established by each nursery, the admission policies of all nurseries must include the following:

Children under two years of age shall not be accepted.

Each child admitted must be determined to be ready for the type of group experience that the nursery has to offer, and able to benefit from the program offered.

Children who are physically handicapped or emotionally disturbed shall not be accepted, unless it is determined that:

There will be no adverse affect upon other children, either through direct behavior of the child or through requiring staff time needed by other children, and the nursery is able to meet the individual needs of the child.

312. Telephone

Not specified

313. Proof of Operator Financial Capabilities

31195 Funds.

Any applicant for a new license must:

Have the financial ability to meet the cost of providing and equipping the physical plant and meeting other capital costs.

Have available at the beginning of operation cash, other liquid reserves, guarantees by a responsible governing board or predictable income to cover the estimated cost of operation of the facility, in accordance with regulations and such additional services as may be set forth in policy and advertising statements, for at least three months. The number of enrolled children or children who may, with reasonable certainty be expected to enroll, may be included in determining the "predictable" income.

Submit a written statement to the State Department of Social Welfare demonstrating financial ability to meet the fiscal requirements for a license.

Each facility shall have sufficient resources in the form of financial reserves, anticipated income, or guarantees by a responsible governing board to insure a facility operation in keeping with regulations.

Cash or other liquid assets sufficient to meet current obligations shall be available at all times.

The funds shall be accounted for in a manner which makes it possible to show income and expenditures for the facility program.

31196 Financial Records.
Financial records including income and expenditures shall be maintained in sufficient detail to show the financial status of the facility.

Financial records shall be available for review by the State Department of Social Welfare.

314. Insurance

31197 Insurance.

The facility shall carry adequate and appropriate insurance, including Workmen's Compensation coverage. Evidence of compliance with this section shall be available for review by the State Department of Social Welfare.

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

31223 Nondiscrimination.

The written admission policies shall include a statement that the nursery is operated on a nondiscriminatory basis, according equal treatment and access to services without regard to race, color, religion, national origin or ancestry. An otherwise eligible child may not be excluded on the basis of these characteristics, except as indicated below.

A nonprofit nursery established to serve an identified group may serve children of this group, but shall not discriminate within the group on the basis of race, color, religion, national origin or ancestry.

A religious group may elect to serve children of a particular religious faith, but may not discriminate within the group on the basis of race, color, national origin or ancestry.

340. RECORDS REQUIREMENTS

341. Children

31231 Case Records.

A complete and current record shall be maintained for each child and shall be readily available at all times. A daily attendance record shall be maintained and shall be readily available at all times.

31233 Content of Record.

The record on each child enrolled shall include the following:

Child's full name, birthdate and current address

Father's full name

Mother's full name

Addresses of both parents-if available

Name, address, telephone (home and business) and signature of person or persons responsible for child.

Names of persons authorized to take child from nursery

Names, address, and telephones of relatives or others who can assume responsibility for the child, if for some reason, the parent cannot be reached immediately, in an emergency

Name, addresses and telephone of physician to be called in an emergency

Health history prior to admission, including immunizations.

Physician's Pre-admission report.

Instructions for the action to be taken in case the parent or the physician designated by the parent, cannot be reached in an emergency.

Continuing health history, including:

Information on illness while enrolled in the nursery

Detailed information on any accident or injuries to the child in the nursery, and any emergency medical attention given.

Significant information learned from observation of the child.

31289 Comprehensive Record.

A comprehensive record shall be maintained at the nursery for each child and shall contain the following:

Significant physical findings at admission.

Written report of physical examination.

Plan for medical care in case of emergency.

Name of family physician or source of health care.

Written permission from the family to obtain emergency medical care and permissible alternative sources of care.

Telephone number and address of place where parents can be reached in an emergency, if possible.

Competent adult authority to act for parent in case of emergency when parent is not available.

Notes of Staff and/or nurse as to child's health and development.

Pertinent subsequent physical findings.

342. Staff

Not specified

343. Child Eligibility and Enrollment Requirements

31225 Admission Procedures.

There must be a plan for initial and continuing relationships between nursery and parent, which provides for a sharing by the parent in the decision about the admission of the child to the nursery and in all later decisions affecting the child.

There must be a plan for admission of the child to the group that will allow for gradual orientation of the child to the nursery.

31227 Interviews with Parents.

The admission procedure must include a personal interview or interviews with the parent to exchange information and arrive at a joint decision about the admission of the child.

During the admission interviews, the parent must be given complete information about the nursery. This must include its admission policies and procedures, activities, services, regulations, hours and days of operations and fees.

In these interviews, the nursery must obtain the following:

Assurance that the parent has a practical and realistic way of providing for the care of his child when ill.

All identifying information required by Case Records.

All health information required by Pre-Admission Health Evaluation.

Instructions as to the action to be taken in case the parent or the physician designated by the parent cannot be reached in an emergency.

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

31243 Facilities Receiving Federal Funds - Compliance with Federal Requirements.

For children three to four years old, there shall be no more than 15 in a group, with a teacher and sufficient assistants, supplemented by volunteers, so that the total ratio of adults to children is no less than one to five.

For children four to six years old, there shall be no more than 20 in a group with a teacher and sufficient assistants, supplemented by volunteers, so that the total ratio of adults to children is no less than one to seven.

For children six through fourteen years, there shall be no more than 25 in a group with a teacher and sufficient assistants, supplemented by volunteers, so that the total ratio of adults to children is no less than one to ten.

31257 Child-Staff Ratio-Group Care of Infants.

If a nursery has more than 25 infants enrolled, there shall be both a director and an assistant director on the staff.

There shall be sufficient staff to assure that at least one staff person shall be within sight and sound of each child in the nursery at all times.

There shall be at least one nursery aide for every four infants enrolled in the nursery.

31259 Child-Teacher Ratio-Day Nursery.

There must be an overall ratio of not less than one teacher to 12 enrolled children.

A teacher-assistant may be used in a ratio of one teacher and one assistant for every 15 children enrolled.

The Director of a nursery may be counted in the child-teacher ratio during the time he is actually engaged in teaching a group of children.

412. Methods of Computing Staff/Child Ratios

See 411. Staff/Child Ratios as of March, 1981

420. GROUP SIZE

421. Group Size as of March, 1981

See 411. Staff/Child Ratios as of March, 1981

422. Methods of Computing Group Size

Not specified

500 STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

31205 Nursery Aide - Group Care of Infants.
A nursery aide shall be at least 16 years of age.

31209 Teacher - Day Nursery.
A teacher shall be at least 18 years of age.

31211 Teacher's Assistant-Day Nursery.
A teacher's assistant shall be at least 18 years of age.

512. Health

31219 Personnel Health.
A complete physical examination by a licensed physician shall be required of each staff member (including the director, teacher, parent participants, cooks, etcetera) prior to beginning work.

This examination must include the verification of freedom from tuberculosis. The nursery must also have on file, reports showing that each employee has had the required test or X-ray within the last twelve months, and is free from tuberculosis.

The physician's report shall be in writing and shall be kept on file in the nursery.

Staff members shall not be allowed to come to work when ill with contagious diseases (such as colds) or with other illnesses which would affect their performance.

513. Education

31199 Personal Qualifications.

All staff members must be of good character and equipped by education, training and/or experience for the work they are required to do. All staff members must be in good physical and mental health.

All persons having direct contact with children must be suitable age and temperament for work with children. These persons must have the following qualifications:

They must be mature, responsible adults.

They must have the qualities of warmth and friendliness.

They must have the ability to understand and accept individual differences in children.

31207 Qualifications of Nursery Aide-Group Care of Infants.

A nursery aide must:

have graduated from high school or have equivalent education; or

be enrolled in a course leading to graduation from high school; or

demonstrate through previous experience the potential for increasing skills through study, conferences, observations and other means of learning, and

have experience in caring for children, either in own home or other person's home, or as children's nurse, practical nurse or rearing own children.

31209 Teacher-Day Nursery.

A teacher shall meet the requirements for all staff and shall meet one of the following requirements:

> Be enrolled in a course of study leading to a high school diploma or the equivalent, and have had two years experience in group child care, and successful completion of 12 semester units or the equivalent in Early Childhood Education or other units of formalized training, under a qualified instructor, in working with children of the age group served by the day nursery or
>
> After employment, successful completion each year of at least two semester units or the equivalent in Early Childhood Education or other formalized training under a qualified instructor, in working with children of the age group served by the day nursery, until at least 12 such units shall have been completed.
>
> Graduation from high school or the equivalent such as receiving a passing grade in an appropriate examination, and successful completion of 12 semester units or the equivalent in Early Childhood Education or other units of formalized training under a qualified instructor, in working with children of the age group served by the day nursery.

The education requirements do not apply to teachers employed before May 1, 1970. A teacher who qualified under this provision shall so qualify for a period of three years following termination of employment.

514. Experience

See 513. Education

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

31202 Qualifications of Director.
The director must be least 18 years of age.

522. Health

See 512. Health

523. Education

31202 Qualifications of Director - Day Nursery.
The director must have education and experience which will provide the knowledge and skill needed to carry out an effective program of child care set forth in these regulations and must meet one of the following requirements:

> High school graduation and successful completion of 12 semester units or the equivalent in Early Childhood Education or other formalized training under a qualified instructor, in working with children of the age group to be served and the equivalent of three semester units in administration or staff relations and four years of teaching and child care experience in a day nursery or comparable group child care program.
>
> OR
>
> One year of attendance at an accredited college or Junior College, and successful completion of 12 semester units or the equivalent in Early Childhood Education or other formalized training, under a qualified instructor, in working with children of the age group to be served and the equivalent of three semester units in administration or staff relations, and two years teaching and child care experience in a day nursery or comparable group child care program.
>
> OR

Two years of attendance at an accredited college or junior college and completion of 12 semester units or the equivalent in early childhood education or other formalized training, under a qualified instructor, in working with children of the age group to be served and the equivalent of three semester units in administration or staff relations, plus one year of teaching and child care experience in a day nursery or comparable group child care program.

OR

A Bachelor's degree from an accredited college and

A major in Early Childhood Education, or

Successful completion of 12 semester units or the equivalent in early childhood education or other formalized training, under a qualified instructor, in working with children of the age group to be served and the equivalent of three semester units in administration or staff relations.

Experience to be qualifying must be verified, satisfactory, full time (at least 3 hours per day for a minimum of 100 days in a calendar year) as a paid or volunteer staff member under supervision of a person who would qualify as a director under these regulations.

The 12 semester units in working with children shall include courses covering the equivalent of the following:

Child Growth and Development or Human Growth and Development.

Child, Family and Community or Child and Family.

Program.

The education and experience requirements do not apply to directors who were employed prior to May 1, 1970. A director who qualifies under this provision shall so qualify for a period of three years following termination of employment.

524. Experience

See 523. Education

530. SUPPORT STAFF QUALIFICATIONS

31217 Other Professional Staff.

When nurseries employ or use professional staff such as physicians, psychiatrists, social case workers, psychologists or nurses, these persons must meet the minimum professional standards in their particular fields.

Professional persons whose practice is regulated by state law, must meet the requirements of the Department of Professional and Vocational Standards.

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

31243 Facilities Receiving Federal Funds - Compliance with Federal Requirements.

Staff Training. The operating or administering agency shall provide or arrange for the provision of orientation, continuous inservice training and supervision of all staff involved in the day care program.

542. Child Caregiver Staff

See 541. Program Director

543. Support Staff

See 541. Program Director

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600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

31239 Program.
Each nursery must provide a well balanced program of daily activities designed to meet the needs of the children served and based upon the principles of good nursery education. The daily schedule must provide a certain amount of regularity to permit children to have the security of knowing what comes next, and a regular schedule of physical routines-meals, snacks, naps, and toileting.

612. Program Equipment and Materials

31239 Program.
Play materials and equipment in sufficient variety and quantity to meet the interests and needs of the children must be provided.

Equipment and materials must be suitable for the age range served, and must be selected according to the type of supervision provided.

31321 Furniture and Equipment.
An adequate number of tables and chairs must be provided to meet the needs of the group to be served for meal time and play activities.

Tables and chairs must be scaled to the size of the children using them.

There must be a well-constructed cot and bedding available for each child who naps.

Suitable play equipment and materials must be provided.

613. Nap Provision

31239 Program.
Provision must be made for all children under five years of age to have a nap after lunch.

Adult supervision must be provided during nap periods.

Napping cots must be spaced to prevent overcrowding and to allow the children to rest well without distraction or disturbance.

31309 Sleeping Arrangements.
Each child shall have a separate crib, cot or floor pad for sleeping purposes and no other child shall occupy this.

Each child's bedding shall be used for him only, and shall be replaced when wet or soiled.

Bedding shall be changed daily.

614. Discipline and Guidance

31239 Program.
Constructive methods must be used for maintaining group control and handling individual behavior.

Corporal punishment and other humiliating or frightening techniques are prohibited.

Punishment must not be associated with food, rest, isolation for illness or toilet training.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

31243 Facilities Receiving Federal Funds - Compliance wtih Federal Requirements.

Health Services. The operating or administering agency shall assure that the health of the children and the safety of the environment are supervised by a qualified physician.

Nurses or others with appropriate training may plan and supervise the health aspects of a day care program, but the total plan must be reviewed by a pediatrician or a physician especially interested in child health.

31263 General Requirement.
All nurseries must make adequate provision for the protection of the health of the children coming into their care.

31273 Continuing Health Supervision.
Nurseries must maintain continuing supervision of the children's health throughout the period of attendance.

The nursery staff must be alert to signs of physical, emotional or mental problems which may interfere with a good adjustment in the nursery.

Any unusual behavior or signs of illness shall be reported to the parents.

712. Health Assessments

31265 Pre-Admission Health Evaluation.
Prior to accepting a child, the nursery must determine that he is:

In good general health.

Without defects or illness which would endanger other children in the nursery or make his participation in vigorous activities inadvisable.

Physically and emotionally ready for the particular program of the nursery.

The nursery must secure information as to any special health problems or handicaps which will require attention in the nursery or limit the child's activities.

31267 Health History.
Before a child is accepted for care, the nursery must obtain from the parent, sufficient information about the child's health and development to:

Be sure that the child is within the normal range in health and development.

Know enough about the child to be able to understand his individual needs and be certain that they can be met in the nursery program.

31269 Physician's Report.
Prior to admission, the nursery must obtain for each child, not otherwise exempt, as provided below, a written report from a licensed physician, preferably the family physician. The physician's report must cover the child's general health, physical and emotional maturity, special problems and needs, immunizations, and test for tuberculosis.

The parent shall be required to have the child examined prior to admission, if the child has not had regular health supervision and there is no physician who can complete the report on the basis of his prior knowledge of the child's health.

Exception: Parents who adhere to a religious faith practicing healing by prayer or other spiritual means, may be exempted from this requirement if they provide the required health history, and sign a statement which indicates their:

Acceptance of full responsibility for the child's health.

Refusal to obtain a medical examination of the child.

Request that no medical care be given to the child.

31287 Health Evaluation.

Every child admitted to the nursery shall have a physical examination within two weeks after admission unless he has had a complete physical examination within a month prior to his admission. The appropriate immunizations for his age shall have been given or shall be in process.

713. Immunizations

31271 Immunizations.

All children not exempt from this requirement must have the following immunizations before admission:

Diphtheria
Pertussis
Tetanus
Poliomyelitis
Measles

The nursery must obtain, as part of the preadmission evaluation, information as to whether such immunizations have been given, and shall refer all children not adequately protected for necessary immunizations.

Exception: A child may be exempted from this requirement when his physician recommends against immunization on medical grounds, or his parents sign a request for exemption on the basis of religious belief.

714. Sanitation

31283 General Sanitation.

Nurseries must maintain an acceptable level of general sanitation and cleanliness with regard to the plant, playground, equipment and storage of supplies, bedding, clothing, etc.

Provisions for proper washing of dishes and cooking utensils must be made.

The use of common wash cloths and towels by the children is prohibited.

31301 Building Requirements-All Nurseries.

The floors of all rooms must have a surface which provides safety, warmth and cleanliness.

Adequate provision must be made for the storage of cleaning equipment and for the disposal of waste water.

31313 Drinking Water.

Drinking water must be readily available both in the playrooms and on the playgrounds, so that children are free to drink as they wish.

715. Daily Illness Screening

31275 Morning Inspection.

Ill children shall not be accepted for care in a nursery.

The nursery must make every effort to gain the cooperation of parents in keeping their children at home when they are not well.

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The nursery has responsibility for seeing that children with obvious symptoms of illness, including, the common cold, are not accepted.

The regular reception procedure used to meet this requirement must include the following:

> A parent or a person designated by the parent must bring the child into the nursery, unless the child is old enough to come alone and the parent has made this plan with the nursery. Children must not be dropped off at the door.
>
> The adult bringing the child must remain until the child is accepted.
>
> The child must be observed by a staff member who knows the child and has had instructions as to early signs of illness and screening procedures.
>
> The specific inspection procedure used must be in accordance with the advice of the nursery's consulting physician or local health department.
>
> The inspection procedure must take place before the child enters the group.

When the children are picked up by automobile at their homes, the inspection procedure must take place before the child enters the car.

Special attention shall be paid when a child has been absent because of illness and a particular contagious disease is epidemic. Under these circumstances, the nursery must be particularly careful to watch for early signs of this illness.

716. Care of Sick Children

31277 Isolation.

Some provision must be made for isolating and caring for a child who becomes ill during the day.

The parent shall be notified immediately when the child becomes ill, and asked to come for him at once.

An ill child may be kept in the nursery only until his parent can come for him.

717. Medication and Special Diet Provisions

Not specified

718. Waiver of Health Requirements

See 712. Health Assessments

720. SAFETY

721. General Safety Requirements

31255 Safety.

Awnings, canopies, or wooden lath structures used for shade must be approved for fire safety.

31299 Playground-Fencing.

The playground must be properly fenced with a substantial fence of sufficient height to provide adequate protection for children and to keep them in the playground.

All fish ponds, wading pools, swimming pools and similar bodies of water shall be made inaccessible when not in use, by fencing or covering.

Any construction or equipment (such as an incinerator) which cannot be removed and which causes a hazardous situation on the playground must be adequately fenced off or enclosed.

31311 Toilets and Handwashing Facilities.

Hot water used for handwashing shall not be required. However, if hot water is used for handwashing it shall not exceed 48.8 degrees C (120 degrees F). Taps delivering water which exceeds 48.8 degrees C (120 degrees F) shall be made inaccessible to the children.

722. Fire Safety Requirements

Not specified

723. Transportation

Not specified

724. Safety Requirements for Equipment

31321 Furniture and Equipment.

All equipment must be kept in good condition, free of sharp, loose or pointed parts.

Furniture and equipment must be arranged so as not to interfere with exits.

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

31279 Emergency Medical Care.

In cases of illness, accident, or injury to any child, the nursery must be able to make prompt arrangements for notification of the parents and for medical care, if necessary.

Parents shall be notified immediately of any illness or injury to the child in the nursery, and their specific instructions regarding action to be taken, obtained.

The nursery must be prepared to obtain emergency medical care without specific parental instruction in case the parents cannot be reached immediately, or the nature of the illness or injury is such that there should be no delay in getting medical advice.

The nursery must have an arrangement with a nearby physician, clinic, or hospital so that immediate treatment can be obtained in emergencies.

727. First Aid Supplies

31281 First Aid.
The nursery shall maintain first aid supplies sufficient to care for minor cuts and scratches. The first aid supplies shall include only those items the person in charge is qualified to use.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

31241 Nutrition and Food Service.
Nurseries in which children are cared for during regular meal times must make adequate provision for meeting their dietary needs.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

31315 Kitchens.
All nurseries which provide a noon meal must have a kitchen of adequate size. Kitchens must be equipped with a stove and sink, hot and cold running water, refrigeration, and storage space for food, dishes, and cooking utensils.

Kitchens should not be used for children's play activities, napping, and passageways for children.

900. SOCIAL SERVICES

31237 Continuing Services to Parents and Children.
All nurseries must maintain close contact with the children's parents so that the parents are informed about the child's activities, adjustment, and development.

Services requiring professional skills shall be given only by persons who meet recognized professional qualifications.

Nurseries which provide casework or counseling services directly must have professionally qualified staff for these functions.

31251 Social Services-Group Care of Infants.
Provision shall be made for social services to be provided, as needed, to the children enrolled in the nursery. Such social services may be provided in accordance with an agreement or contract with an established public or private social agency.

1000. PARENT PARTICIPATION

31249 Parent Conferences-Group Care of Infants.
There shall be a plan for regular conferences and referral for social services if it seems appropriate. However, it shall be the policy of the nursery that the parent has primary responsibility for his own child, and the final decision for the child's care shall be his.

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

31247 Toilet Training-Group Care of Infants.
Staff shall have special instruction so that they may understand the developmental needs of children at the time toilet training is begun.

31305 Indoor Play Space Group Care for Infants.
There shall be adequate indoor play space separate from the sleeping area. There must be sufficient space to provide areas where toddlers can explore in a safe manner an environment that offers stimulation and experimentation.

There shall be space where children who cannot yet walk can be in playpens or can be placed on the floor for free play and crawling.

The play space shall be equipped with washable, safe manipulative toys which lend themselves to the development of perceptual and auditory discrimination. They shall not be small enough to swallow nor made of material which could splinter it.

There also shall be sufficient space for quietness and privacy for those children who need it.

The room for play shall be equipped with pictures, books, record players, and other items so that it offers variety, change and encouragement to explore.

1120. HEALTH AND SAFETY REQUIREMENTS

31253 Clothing-Group Care of Infants.
Each child shall have sufficient changes of clothing so that he can be clean and dry all day.

Each child shall have a separate storage place for his clothing and this shall be clearly labeled.

Disposable diaper service shall be used, and a separate container for their disposal shall be used.

Provision of proper washing of dishes, bottles and utensils shall be made. Unless a dishwasher is used, they shall be dipped in a sterilizing solution and air dried.

The use of common washcloths and towels for the children is prohibited.

All rooms shall be cleaned daily.

All walls and floors shall be made of such material that they can be easily washed.

Diapering shall be done for each child in his own crib, or if a common changing table is used the cover shall be changed after each child's use. Disposable paper towels or appropriate substitute may be used for this purpose. An unpadded surface should be wiped with soap and water after each use.

If training chairs are used they shall be emptied promptly and sanitized at least once a day. The plastic one-piece units which can be immersed in a sanitizing solution are preferred.

31285 Medical Consultation-Group Care for Infants Under Two Years of Age.

Every nursery caring for infants shall have provision for continuing medical consultation from a licensed physician. Such medical consultation shall include the following:

Development of plans for continuing surveillance of communicable diseases.

Development of plans for daily health surveillance including plans for the care of the sick children.

Development of procedures for recordkeeping and reporting of accidents and illness.

Standing orders for allowed treatment for nonlife-endangering illnesses.

Plans for procedures for emergency health care including posting of necessary telephone numbers.

Plan for storage of medications.

Determination of the adequacy of emergency first aid procedures including the availability of trained staff.

Plan for the provision for the continuing health care of those children who are not under the care of a personal physician.

31307 Outdoor Play Space Group Care for Infants.
There shall be adequate, well-fenced outdoor play space, properly drained, shaded, free from rubbish, litter or other hazards.

There shall be space for those children who will be in playpens but who need an interesting area with both sun and shade.

The outdoor play space shall be equipped with toys to provide development of large muscles.

1130. INFANT NUTRITION

31245 Feeding-Group Care of Infants.
The feeding of the children shall be planned by a nutritionist, pediatrician, or public health nurse, with the introduction of new foods into individual diets so as to insure proper nourishment and physical development of the infants.

Infants under six months shall be held for bottle feeding. At no time shall a child be placed in bed with a propped bottle. At no time shall a child be allowed to carry a bottle.

There shall be frequent communication with the child's mother about feeding, such as introduction of new foods, likes and dislikes, and introduction of cup.

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

31291 Playground-General Requirements.
There must be outdoor play space adequate in size for the group in attendance, properly surfaced and fenced and conveniently located in relation to the indoor facilities.

31293 Playground-Size.
There must be at least 75 square feet per child of outdoor play area.

31295 Playground-Location and Arrangement.
The playground must be so situated that it will provide adequate sunshine and shade, according to climatic conditions and hours of operation, and permit children to reach it without hazard.

Equipment and activity areas must be arranged so that there will be no hazard from conflicting activities. Solid equipment shall not be located where running children might bump into it.

Rooms to be used for indoor activities must be of suitable size and arrangements to permit proper grouping, good program planning, and necessary supervision.

31303 Indoor Play Space-General Requirements.

There must be adequate indoor space for the children's play activities and for dining and napping when these are included in the program.

31304 Indoor Play Space-Size of Floor Area.

The indoor play rooms must have sufficient floor area (occupied only by the children's play materials, equipment and furniture) to provide 35 square feet of floor space per child.

Floor space occupied by permanent built-in cabinets and shelves may not be considered as floor space available for play.

An exception to the floor area requirement may be permitted for nurseries offering a half-day program when:

> Most of the program is carried out-of-doors.
>
> The outdoor play space is of proper size and easily accessible to the indoor play area.
>
> The nursery will be closed in inclement weather, or the capacity reduced to the number the indoor play area can properly accommodate.

31317 Office Space.

Some space must be available in the nursery to serve as an office.

This space must be adequate in size and location and properly equipped to meet the needs of the nursery.

31319 Staff Rest Room-Full Day Programs.

There must be a properly equipped room available for use as a staff rest room. The equipment in this room must include a day bed or couch and space for storage of coats and personal belongings.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

Not specified

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

31311 Toilets and Handwashing Facilities.

There must be an adequate number of toilets and handwashing facilities in the nursery and accessible and available for general use by the children.

One toilet and handwashing facility is required for the first 14 children, and one additional toilet and lavatory must be added for every 10 children, or fractional part thereof in excess of 14 children.

There must be one toilet and handwashing facility, separate from the general use toilets for isolation, staff, and emergency use. It must be conveniently located.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

Not specified

1530. BUILDING

Not specified

1540. HEALTH

Not specified

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are to the Colorado State Department of Social Serivces, Minimum Rules and Regulations for Child Care Centers, September 1975.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

A-7402.2 Classification: Child Care Centers.

Child Care Center means a facility, by whatever name known, which is maintained for the whole or part of a day for the care of five or more children under the age of 16 years, and not related to the owner, operator, or manager thereof, whether such facility is operated with or without compensation for such care, and with or without stated educational purposes. The term includes facilities commonly known as a "day care center," "day nurseries," "nursery school," "kindergarten," "preschools," "play groups," "day camps," "summer camps," "centers for mentally retarded children," and those facilities which give 24-hour care for dependent and neglected children; and includes those facilities for children under the age of 6 years with stated educational purposes operated in conjunction with a public, private, or parochial college, or a private or parochial school, except that the term shall not apply to a kindergarten maintained in connection with a public, private, or parochial elementary school system of at least six grades.

A Large Day Care Center provides less than 24-hour care for 13 or more children between the ages of two and one-half to 16 years.

A Small Day Care Center provides less than 24-hour care for seven through 12 children between the age of two and 16 years.

An Infant Nursery provides less than 24-hour care for children between the age of 6 weeks and 18 months.

A Toddler Nursery provides less than 24-hour care for children between the age of 12 months and walking independently, and 36 months.

A Center for Mentally Retarded Children offers specialized day programs for the education and training of mentally retarded children, ages 3 through 16, for not less than 2 hours per day.

112. Exclusions and Exemptions

A-7401.4 Application of Statute.

A license is not required for:

A special school or class operated primarily for religious instruction. Such a special school or class may be known as Sunday School, Catechism Class, Bible School, Bar Mitzvah Class, Church School and shall be a school or class in which more than 50% of the time that children are present is spent in religious instruction which shall include but is not limited to such activities as worship, singing religious songs or listening to religious stories. A special school or class operated primarily for religious instruction shall not also offer day care for children while parents are working or otherwise engaged and thus unavailable to care for their children.

A child care center operated in connection with a church, shopping center, or business where children are cared for during short periods of time while parents or persons in charge of such children are attending church services, or shopping, or patronizing any such business. This facility must be operated on the premises of the church, business, or shopping center. The church, business or shopping center must be the owner, operator, or governing body of the center.

Occasional care of children which shall mean the infrequent and irregular care of children.

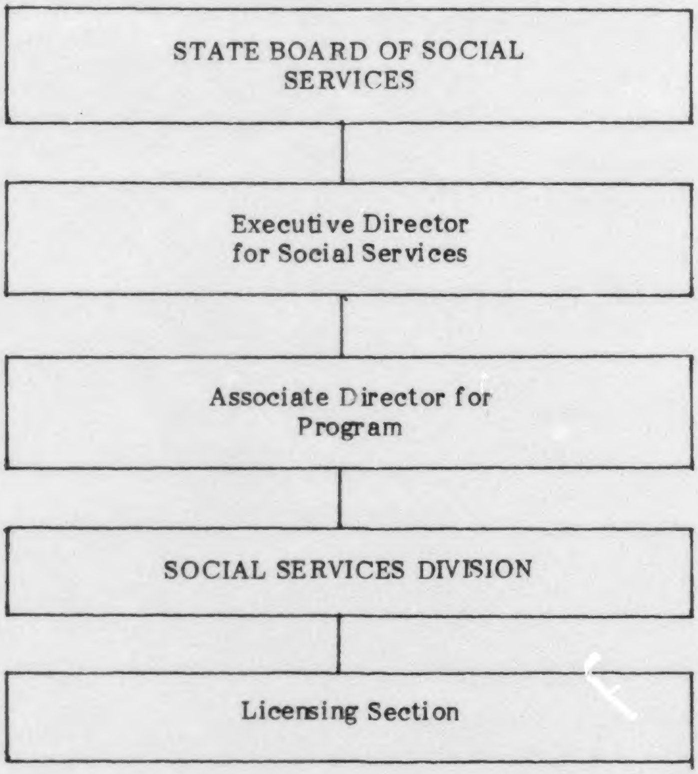
Any owner, operator and/or governing body believing that his/her facility is exempt from licensing must write to the Department, describe the program and explain why it is believed that the facility need not be licensed. The Department will determine if a license is necessary.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit


STATE BOARD OF SOCIAL SERVICES
Executive Director for Social Services
Associate Director for Program
SOCIAL SERVICES DIVISION
Licensing Section

Licenses are issued and revoked at the state/central office level. The day to day monitoring functions for day care centers are carried out by licensing staff under the direct supervision of the state central office. The monitoring functions for family day care homes are carried out by county staff under the direct supervision of the state central office except in Denver County where they are carried out by the Denver Department of Health and Hospitals.

122. Responsible Official

All inquiries should be addressed to:

Licensing Administrator
Licensing Section
Social Services Division
Department of Social Services
1575 Sherman Street, Room 420
Denver, Colorado 80203
(303) 866-5263

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

A-7401.3 Licensing Authority.

The State Department of Social Service has the authority to establish and administer a licensing program for child care facilities within the State, which includes responsibility to prescribe and publish minimum standards for licensing.

Colo. Rev. Stat. §26-6-106 Standards for facilities and agencies.

The department shall prescribe and publish minimum standards for licensing. Such standards shall be applicable to the various types of facilities and agencies for child care regulated and licensed by this article. The department shall seek the advice and assistance of persons representative of the various types of child care facilities and agencies in establishing such standards. Such standards shall be established by rule of the department, and such rules shall be issued and published only in conformity with the provisions and procedures specified in article 4 of title 24, C.R.S. 1973, and shall become effective only as provided in said article 4.

Any person licensed to operate a child care facility or agency under the provisions of this article has the right to appeal any standard which, in his opinion, works an undue hardship or when, in his opinion, a standard has been too stringently applied by representatives of the department. Upon such appeal, the department shall designate a panel of three persons representing the department of institutions, the department of education, and the department of health to hear such appeal and to make recommendations to the department.

212. Advisory Body and Other Community Participation

A-7401.5 Advisory Committee on the Licensing of Child Care Facilities.
The Child Care Act states that there shall be an Advisory Committee on Child Care Licensing appointed by the Governor. The advisory committee shall advise and consult with the State Department of Social Services in the administration and enforcement of the law.

220. LICENSING PROCEDURE

221. Application and Issuance

A-7401.4 Application of Statute.
A license is required for any person caring for or placing for care one or more unrelated children in a location outside the child's or children's home. A license must be obtained for such care before care begins and in accordance with the provisions of the Child Care Act.

Every person regardless of his or her qualifications, has a right to make application for a license to care for children.

A-7403.1 Original Application: Child Care Center and Child Placement Agency.

The procedure for application for an original license for a Child Care Center or a Child Placement Agency is as follows:

> All inquiries concerning licensing of a child care center or child placement agency shall be directed to the Department of Social Services.
>
> All persons wishing to make application for a child care center or child placement agency license may be provided an original application form and a copy of rules and regulations for the appropriate type child center or child placement agency. An original application accompanied by the appropriate fee should be submitted to the State Department a minimum of 30 days prior to the proposed opening date for such facility. The fee, as listed below must be received by the Department before the investigation can be completed or a license issued.
>
> Final approval or denial of the application is determined by the Department, based on written reports of health and fire departments, and the investigation of the facility according to applicable minimum rules and regulations. Written reports of the investigation of the licensing representative are available to the applicant upon his/her request.

A-7404.1 License Required.

A person operating a family care home need not obtain a license if such person holds a certificate to operate such home from a licensed Child Placement Agency.

A-7404.4 License Information and Conditions.

A license or certificate shall designate the sex, if appropriate, age and number of children for which a facility may care at any one time. It shall also identify the name and address of the facility and/or licensee, the dates the license is applicable and the type of facility the licensee may operate. The conditions of the license or certificate must be complied with at all times.

222. Fee Charged

A-7403.1 Original Application: Child Care Center and Child Placement Agency.
The fee, as listed below must be received by the Department before the investigation of the facility can be completed or a license issued.

Public centers operated by a unit of state or local government or supervised directly by a public agency. $1.00

Voluntary centers operated by a nonprofit organization under auspices of a social agency, settlement group, church, etc. . $1.00

Proprietary or commercial centers operated for the financial profit of the owner, operator or manager $5.00

223. Areas of Investigation

See 221. Application and Issuance

224. License Renewal

A-7403.2 Renewal Applications: Child Care Center and Child Placement Agency.
The procedure for applying for a renewal license for a child care center or child placement agency is as follows:

> An application for a renewal license for a child care center or child placement agency shall be submitted annually. A renewal application form will be sent from the Department to the licensee two months to six weeks prior to the expiration of the current license. The completed and signed application for renewal license and the appropriate fee should be in the Department 15 days prior to the expiration of the current license. The fee for renewal is the same as for the original license. Should the licensee fail to submit the renewal application of the license, such operation is contrary to the law and injunctive proceedings may be initiated.

If the completed and signed application for renewal of the license and appropriate fee are received by the Department before expiration of the license, the application is timely and the license continues valid until licensing action is taken by the Department. If the application is received after the expiration of the license, the application is untimely and the license is no longer valid. The application will be treated as an original application.

A renewal license is granted to the facility or agency when all rules and regulations are being met. Additionally, in the case of child care centers, written approval of the necessary health and fire departments must have been received by the Department before a renewal license is issued.

225. Conditional/Provisional Licenses

A-7404.2 Types of Licenses.

A provisional license is granted to an applicant for an original or renewal license for a period of six months. This license permits the child care center or family care home to operate if it is temporarily unable to conform to all minimum rules and regulations, and upon proof by the applicant that attempts are being made to comply with minimum rules and regulations. Such provisional license may be renewed for six-month periods up to two years, at the discretion of the department. Reasons for issuing a provisional license are listed on the license.

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

A-7405.1 Supervisory Visits.

Supervisory visits to licensed facilities or agencies shall be made in order to be assured that the regulations are being maintained. The Department reserves the right to make unannounced visits. When a supervisory visit is made, the representative shall identify him/herself to the person in charge, shall tell the person in charge any items observed which do not meet the regulations, and may follow up with a written notice.

232. Denial, Suspension, Revocation of a License

Colo. Rev. Stat. §26-6-108 Denial of Original License - Suspension, Revocation, Probation, or Refusal to Renew License.

The department may suspend, revoke, make probationary, or refuse to renew the license of any facility regulated and licensed under this article should the licensee:

> Be convicted of any offense involving moral turpitude, the record of conviction being conclusive evidence thereof;
>
> Be determined to be insane or mentally incompetent by a court of competent jurisdiction and should a court enter an order specifically finding that the mental incompetency or insanity is of such a degree that the license is incapable of operating a family care home or child care center, the record of such determination and entry of such order being conclusive evidence thereof;
>
> Use any narcotic or any alcoholic beverage to an extent or in a manner that such use impairs his ability to properly care for children;

Consistently fail to maintain standards prescribed and published by the department;

Furnish or make any misleading or any false statement or report to the department;

Refuse to submit to the department any reports or refuse to make available to the department any records required by it in making investigation of the facility for licensing purposes;

Fail or refuse to submit to an investigation or inspection by the department or to admit authorized representatives of the department at any reasonable time for the purpose of investigation or inspection;

Fail to provide, maintain, equip, and keep in safe and sanitary condition premises established or used for child care pursuant to minimum standards prescribed by the department of health or by ordinances or regulations applicable to the location of such facility;

Willfully or deliberately violate any of the provisions of this article;

Fail to maintain financial resources adequate for the satisfactory care of children served in regard to upkeep of premises and provision for personal care, medical services, and clothing, other essentials in the proper care of children.

The department shall suspend, revoke, or refuse to renew a license only in conformity with the provisions and procedures specified in article 4 title 24; except that all hearings under this article shall be conducted by a hearing officer of the department who shall render his decision, which shall be the final decision of the department. No such hearing shall prevent or delay any injunctive proceedings instituted under the provisions of section 26-6-111.

233. Remedies and Sanctions

233.1 Hearings

A-7403.5 Right to Appeal.

Any person licensed to operate a child care facility or agency shall have the right to appeal any rule or regulation which, in his opinion, works an undue hardship or when, in his opinion, a rule(s) or regulation(s) has been too stringently applied by the representatives of the Department.

233.2 Decisions

Not specified

233.3 Judicial Review

A-7401.6 Penalty.

"Any person violating any provision of the Child Care Act, or intentionally making any false statement or report to the Department or to any agency delegated by the State Department of Social Services to make an investigation or inspection under the provisions of the law, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars nor more than three hundred dollars."

When an individual continues to operate a facility after a license has been denied, suspended, revoked, or not renewed, or before an original license has been issued, injunctive proceedings may be initiated to enjoin the individual from operating a child care facility without a license.

A-7405.4 Reports about Unlicensed Facilities or Agencies.

Suppression of unlicensed activities will be handled in the following manner:

> Reports about an unlicensed facility may be received by telephone, letter, or personal interview. Anonymous reports about unlicensed facilities shall be investigated.

The licensing representative shall make an unannounced visit to the facility for which there is a report of unlicensed child care. In the case of a family care home the county department of social services may inform by mail the caretaker of the need for a license and the method of application. If an application is not forthcoming, a visit shall be made.

After the licensing representative has identified him/herself, explained the purpose of the visit, she/he shall ascertain if care of unrelated children under the age of 16 years old is being given regularly.

If care is being given, the licensing representative shall inform the caretaker of the need for a license and that care must cease until a license is obtained. If care does not cease, the Department may seek to enjoin the caretaker from caring for children without a license.

The licensing representative shall explain to the caretaker appropriate procedures for making application.

The licensing representative shall send to the unlicensed caretaker a letter documenting the investigation.

If an application is not forthcoming, the licensing representative shall visit the facility again to be sure that the unlicensed child care has ceased. If care has not ceased the Department may seek to enjoin the caretaker from caring for children without a license.

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

A-7404.5 Posting of License.
The license shall be posted in a conspicuous place in the child care facility or agency at all times.

A-7404.6 Reports of Changes of Conditions of Care, Legal Action, Accidents.
All child care facilities shall report to the Department immediately the following changes or events:

Change of licensee, owner, operator, or governing body.
Change in classification of facility or service offered.
Change in location of the center or home.

The following items shall be reported in writing:

Accidents or illnesses, which occur at the center or home and which result in medical treatment, hospitalization, or death.

Any legal action against a center, home or agency which affects any child or children in care, personnel, or conduct of the center, home or agency.

Change of director.

Proposed increase in enrollment of the center or home over the number authorized on the license.

Change of ages of children to be served.

Additions to the center or home, or changes of use of rooms for child care.

Closure of the center or home.

A-7404.7 Reissuance of License and Need for a New License.

A license may be reissued when necessary if the facility makes the proper request to the Department for the changes and if the Department is assured that the minimum rules and regulations in respect to such changes are being met.

A license automatically expires and a new application is required whenever there is a: (1) change in classification of facility; (2) change in the location of the facility; (3) change in the governing body, owner or operator of the facility.

A-7410.1 Governing Body.

Governing Body means the individual(s) or group in whom the ultimate authority and legal responsibility is vested for the administration and operation of the child care facility.

The ownership of the child care facility shall be disclosed fully and shall be on file with the Department of Social Services. In the case of corporation or trust ownership, the corporate or trust officers shall be disclosed fully and on file with the Department.

A-7410.2 Administrator/Director.

The Governing Body shall appoint an Administrator/Director who shall be responsible to the Governing Body and who shall be delegated the executive authority and responsibility for the administration of the child care facility according to its defined purpose.

The Governing Body, together with the Administrator/Director, shall formulate purpose and policies to be followed by the facility, and they shall have a regular planned review of such purpose and policies to determine that the facility is in compliance with minimum standards for licensing.

The Governing Body and/or Administrator/Director shall be responsible for providing necessary facilities, adequate financing, qualified personnel, services, and program functions, for the welfare and safety of children in accordance with these standards.

A-7411.1 Statement of Policy of Child Care Center Operation.

A written statement of child care center policy shall be available to staff and to parents and shall include the following:

The purpose of the center.

The ages of children accepted, inclusion or exclusion of handicapped children and special services offered if handicapped children are accepted for care.

The hours the center is open and specific hours during which special programs are offered.

The procedure concerning admission and registration of children.

Fees.

The procedure for the handling of illnesses and emergencies of children.

The procedure for transportation of children, where provided, including transportation arrangements and parental permission for excursion and related activities outside the child care center.

The procedure for release of children from the center only to persons for whom the center has written authorization.

The procedure concerning children's personal belongings.

Information concerning meals and snacks.

A-7412.4 Administrative Records.

The following records shall be on file at the day care center:

Records of enrollment and daily attendance for each child.
Current Health Department inspection report.
Current Fire Department inspection report.
A list of current staff and substitutes, and staffing pattern.

A-7412.5 Fatality and Hospitalization Statements.
All child care centers shall report in writing to the Licensing Unit of the State Department of Social Services immediately accidents or illnesses, which occur at the child care center and which result in medical treatment, hospitalization or death.

A-7413.3 Hours of Employment - Director - Large Day Care Center.
The director of a center shall be present at the center at least 60% of any day that the center is open. For the remaining 40% or less of any day, a staff member meeting group leader qualifications shall be in charge of the center. If the director must be absent more than 40% of any day, an individual who meets director qualifications, shall substitute for the director.

In centers operated three hours or less, there shall be a qualified director at all times.

A-7413.4 Responsibilities - Director.
The director of each center shall be the person responsible for administering the child care center in accordance with licensing requirements. It shall be the duty of the director to plan and supervise the child development program, to plan for or participate in selection of staff, to plan for orientation and staff development, to supervise and coordinate staff activities, to evaluate staff performance, and to participate in the program activities.

A-7413.5 Vacancy in Director Position.
In the event of staff turnover in the position of director, the child day care center shall employ within sixty (60) days a person who meets qualifications of director as stated in Staff Qualifications above.

312. Telephone

A-7411.6 Communication.

The child care center shall have a telephone with the number listed in the public telephone directory. Emergency telephone numbers (fire, police, rescue unit, parents, etc.) shall be readily available.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Not specified

320. PERSONNEL

321. Publication of Personnel Policies

A-7411.4 Personnel Policies.

The duties and responsibilities of all staff and the lines of authority and responsibility within the center shall be clearly established.

At the time of employment, each staff member shall be informed of his duties and the person to whom he is administratively responsible.

If volunteers are used by the facility, there shall be a clearly established policy in regard to their function, and to whom they are administratively responsible.

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

A-7407.1 Civil Rights.
No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance (Sec. 601, Civil Rights Acts of 1964).

340. RECORDS REQUIREMENTS

341. Children

A-7412.3 Children's Records.
The day care center shall maintain a record on each child which shall include:

The child's full name, birth date, and current address and date of enrollment.

Name, home and employment address and telephone number of parent(s), or the person(s) legally responsible for the child.

Telephone numbers or instructions as to how the person(s) responsible for the child may be reached during the hours the child is at the center.

Names, addresses and telephone numbers of persons authorized to take the child from the center.

Names, addresses, and telephone numbers of person(s) who can assume responsibility for the child in the event of an emergency if parent(s) or guardian(s) can not be reached immediately.

Name and address of child's physician and dentist.

Health information including medical report, chronic physical problems, vaccination and immunization history and pertinent social information on the child and his family.

Written authorization from parent(s) or guardian(s) for emergency medical care.

Written authorization from parent(s) or guardian(s) for the child to participate in field trips or excursions, whether walking or riding.

Injury and illness record.

Reports of accidents requiring hospitalization, or the occurrence of death of a child.

Significant observations of the child's development.

342. Staff

A-7412.2 Personnel Records.
Current personnel records shall be kept at the center for as long as the individual is a member of the staff. Such records shall include:

Name, address, telephone number, birth date, education and training, work experience, employment references, health examination reports; names, addresses and telephone numbers of persons to be notified in the event of an emergency, and the date of employment.

343. Child Eligibility and Enrollment Requirements

A-7414.1 Admission Procedure.
The center shall accept children only of the age for which it has been licensed.

Admission procedures shall be completed prior to the child's attendance at the center and shall include:

> A pre-admission interview with the child's parent(s) or guardian(s) in order that they can secure information which will help them determine whether the services offered by the center will meet the needs of the child, his parent(s) or guardian(s).
>
> Explanation of the center's policies and procedures including plans for payment of fees.
>
> Completion of the registration form for the child's record and the written authorization for emergency medical care of the child.

344. Child Abuse Reporting

A-7412.6 Reporting of Child Abuse.

The child care facility shall report instances of suspected child abuse. 19-10-104 C.R.S. 1973 as amended, inter alia states ". . . Any person who has reasonable cause to know or suspect that a child has been subjected to abuse or neglect or who has observed the child being subjected to circumstances or conditions which would reasonably result in abuse or neglect shall immediately report or cause a report to be made of such fact to the county department or local law enforcement agency.

Any person participating in good faith in making of a report or in a judicial proceeding pursuant to this title shall be immune from any liability, civil or criminal, that otherwise might result by reason of such reporting."

345. Confidentiality of Records Requirements

A-7406.1 Public Records.

The records concerning the licensing of facilities are open by the right of the Open Records Law.

Anyone wishing to read a record must make a written request to the State Department. Parts of the record not available are:

> Names of children and their relatives are confidential and shall be deleted from the record upon such inspection. All facts learned about children and their relatives shall be confidential both by the facility and the Department.
>
> Scholastic records, health reports, social or psychological reports shall be available to the person in interest only.
>
> Licensing references received by the Department, the county departments of social services, or the Maternal and Child Health Services for licensing purposes are confidential and unavailable for inspection.

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

In Large Day Care Centers, the ratio of child care staff to the number of children shall not be less than the following schedule:

Age of Child	Number of Staff
2 1/2 yrs to 3 yrs	1 staff member to 8 children
3 yrs to 4 yrs	1 staff member to 10 children
4 yrs to 5 yrs	1 staff member to 12 children

5 yrs and over	1 staff member to 15 children
Mixed group 2 1/2 yrs to 6 yrs	1 staff member to 10 children

In other age combinations, the staff ratio for the youngest child shall be utilized if more than twenty percent (20%) of the group is composed of younger children.

A-7421.2 Staff Requirements for Centers Licensed for Seven (7) or More Infants.

Each infant nursery shall maintain a staff ratio of one qualified staff member for each five (5) infants in attendance.

A-7415.6 Physical Care.

All children shall be under direct supervision of a responsible adult at all times.

A-7416.3 Night-time Care of Children.

The child-staff ratio for sleeping children shall be one adult when six (6) or fewer children are in attendance; two adults when seven (7) to twelve (12) children are in attendance, plus one adult for each additional twelve (12) children.

412. Methods of Computing Staff/Child Ratios

A-7413.9 Personnel Required - Group Size and Child Staff Ratio.

At any time when seven (7) or more children are present in the center, there shall be at least two adult staff members on duty. When six (6) or fewer children are present, except infants and toddlers, there shall be at least one adult staff member on duty and a second adult on call and immediately available.

In Small Day Care Centers, two staff persons shall be on duty at all times when seven (7) or more children are in attendance. Kindergarten class sessions for children in the year preceding first grade shall have one staff member to each twenty-five (25) children in attendance.

At other parts of the day when children are in attendance, the ratio shall be one staff member to each fifteen (15) children.

Centers which enroll ten (10) or more school age children shall have at least one staff member who is qualified by training and experience in group activity to work with this age group.

A separate schedule of child care staff ratios is given for Infant and Toddler Nurseries. (See 1100. INFANTS AND TODDLERS)

Children of the director or staff members, who attend the Center or are on the premises for supervision and care, shall be counted in the number of children in the appropriate age groups as specified in the license.

Children who are in attendance for only part of the day are counted only while in the center in determining staff requirements.

420. GROUP SIZE

421. Group Size as of March, 1981

A-7421.2 Staff Requirements for Centers Licensed for Seven (7) or More Infants.
The maximum number of infants in any one group or in any one room of the facility shall not exceed ten (10).

See also 411. Staff/Child Ratio as of March, 1981

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

A-7413.6 Group Leader Qualifications.
A staff member assigned responsibility for a single group and working under supervision of a program director shall be at least 19 years of age.

512. Health

A-7413.1 General and Health Requirements for All Personnel.
All employed staff shall be free from evidence of illness, mental and physical, and free of evidence of personal conduct which may be injurious to children.

> Persons to be employed shall provide written statements of three satisfactory references attesting to the professional and personal qualifications of the individual for employment in the child care program.
>
> Prior to employment each member of the staff including part-time staff and substitute staff shall submit a dated report of a satisfactory tuberculin test or chest x-ray taken within six months of beginning employment. Such test shall be repeated annually unless specifically exempt by advice of a licensed physician or by the local health department authorities.
>
> Each staff member shall have had a medical examination prior to employment or shall be examined within thirty (30) days after the date of employment. The medical examination report shall be dated and signed by authority of a licensed physician.

There shall be an annual review and report of the health status of each staff member including the director, by a licensed physician.

An employee who, upon examination or as a result of tests, shows indication of a physical, emotional, or mental condition which could be hazardous to a child, other staff, or self, and which would prevent satisfactory performance of duties, shall not be assigned or returned to position until the condition is cleared to the satisfaction of the examining physician.

All persons shall be excluded from the day care center when they have an infectious illness.

513. Education

A-7413.6 Group Leader Qualifications.
A Bachelor's Degree from a college or university.

An Associate Degree or two years college training in a college or university, plus six months verifiable full-day experience in group care of unrelated children under six years of age.

Twelve (12) semester hours or eighteen (18) quarter hours in college level credits in the area of child growth and development and nursery school education, plus nine months verifiable full-day experience in group care of unrelated children under six years of age.

Completion of a vocational or occupational educaton sequence in child growth and development plus 18 months verifiable full-day experience in group care of unrelated children under six years of age.

Thirty-six (36) months verifiable full-day experience in group care of unrelated children under six years of age.

A-7413.7 Private Kindergarten Teacher Qualifications.
Each teacher of the kindergarten class session for children in the year preceding first grade shall have the same qualifications as director for Large Day Care Centers, or shall have current Colorado State Department of Education certification as an elementary teacher.

514. Experience

See 513. Education

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

Not specified

522. Health

See 512. Health

523. Education

A-7413.2 Director Qualifications.
The director of a center licensed for thirteen (13) or more children shall have satisfactory evidence of completion of a minimum of 24 semester or 36 quarter hours in the following college courses:

> Area of Child Growth and Development and Nursery School Education. The director must have a total of 12 semester or 18 quarter hours. A maximum of 3 semester or 4.5 quarter hours in a supervised student participation course will be counted toward the 12 semester or 18 quarter hours requirement. This practicum must be with preschool age children.

Child Growth and Development.

Methods and Techniques of Teaching Preschool Children. (Preschool age is defined as under six years of age.)

Optional courses to complete the semester or quarter hours requirement in this area of study, such as:
Creative Activities for Preschool Children.
Music, Science, Literature, Art for Preschool Children.
Psychology. (3 semester or 4.5 quarter hours)
Sociology. (3 semester or 4.5 quarter hours)
Nutrition for Preschool Child or satisfactory equivalent. (2 semester or 3 quarter hours minimum)(3 semester or 4 quarter hours maximum)

Administration of a Preschool or a Day Care Program or satisfactory equivalent. (3 semester or 4.5 quarter hours minimum) (4 semester or 6 quarter hours maximum)

The director of a center licensed for seven (7) through twelve (12) children shall have a minimum of three years satisfactory experience in the group care of children, or two years college training in an accredited college or university, plus one year of satisfactory experience in the group care of children. In the absence of the director, an equally qualified substitute shall be available to carry out the program.

A-7421.1 Staff Requirements for Centers Licensed for Three (3) to Six (6) Infants.

Director Qualifications for Centers Licensed for Three to Six Infants. The director for a center licensed for six or fewer infants shall have satisfactory evidence of training or experience as follows:

Registered Nurse, or;

Licensed Practical Nurse, plus two years supervised experience in care of children under age three years, or;

An adult who has had five years of supervised experience in the care of children under age three years.

Persons who are not qualified as a registered nurse, shall have bi-monthly consultation with a registered nurse with a specialty in maternal and child health, a pediatric nurse practitioner, or a pediatrician. Consultation shall be in the following areas but not limited to: infant feeding, infant stimulation, understanding normal infant growth and development, interaction of adult and infant, record keeping and routine nursery operation. The consultant shall be available to confer with parents as needed.

The director shall have a current Standard First Aid Certificate.

A director shall be present at the center at all times.

A-7421.2 Staff Requirements for Centers Licensed for Seven (7) or More Infants.

The director for centers licensed for seven (7) or more infants shall meet director qualifications, education and experience, as specified for Large Day Care Centers.

In addition, the director or a staff member, who shall be known as the Infant Nursery Supervisor, shall meet qualifications as specified for directors of centers licensed for three (3) to six (6) infants. There shall be a qualified Infant Nursery Supervisor present at all times who shall be responsible for the care of the infants.

Staff members other than the director or infant nursery supervisor, shall meet the education and experience requirements specified for Group Leader, Large Day Care Center.

524. Experience

A-7413.2 Director Qualifications.

Persons with only the 24 semester hours in the specified courses for director and persons with one year of college work plus completion of the specified courses for director shall have the equivalent of 24 months of full-day experience working with young children in a group. One-third (1/3) of the experience shall be work with children under the age of six years, and two-thirds (2/3) of the experience shall be with groups as defined in applicable experience.

> Applicable experience includes working with a group of children under ten years of age, preferably in a preschool or day care center, experience in an elementary school, kindergarten through third grade and hours spent in student teaching, if these courses are not used to meet the educational requirement.
>
> Persons who have completed the equivalent of two years or more of college work and who have completed the specified courses listed above for director shall have the equivalent of 12 months of fullday experience working with young children in a group.
>
> Exception to Experience Requirement: In communities that can not provide opportunities for child care experience consideration of acceptable substitute experience shall be made by the State Department of Social Services.

530. SUPPORT STAFF QUALIFICATIONS

A-7413.8 Staff Aide, Service Personnel, and Volunteers.
Staff aides shall be at least 16 years of age and shall work directly under the supervision of the director or a group leader.

Service personnel shall be available for housekeeping and food preparation as needed for adequate operation and maintenance duties of the facility.

> Assignment of housekeeping and maintenance to child care staff shall not interfere with their supervisory responsibilities and child care duties.
>
> Prior to assignment, each volunteer shall submit a dated report of a satisfactory tuberculin test or chest x-ray taken within six months of the date for assignment.
>
> Volunteers shall have qualifications suitable to the tasks assigned.

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

A-7411.5 Orientation and Staff Development.
The facility shall have a plan for orientation and staff development which may include use of available relevant publications, regular staff meetings, individual conferences, field trips, consultation by experts, or in-service training programs, workshops and institutes.

542. Child Caregiver Staff

See 541. Program Director

543. Support Staff

See 541. Program Director

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

A-7416.1 Formal Program.
The center shall carry out a planned, written program suitable to the needs of the children. This program shall be available for evaluation when requested by the State Department.

The program shall include outdoor play each day except when the severity of weather makes it a health hazard or when there is an individual reason for a child to remain indoors.

School age children shall have specifically planned activities and shall, with parents' permission, participate in supervised visits and recreational activities in the community.

612. Program Equipment and Materials

A-7416.2 Program Equipment and Materials.
Equipment, materials, and furnishings shall be provided for both indoor and outdoor play that is sufficiently varied and adequate to meet the developmental needs of the children and the number attending.

Durable furniture such as tables and chairs shall be child-sized or appropriately adapted for children's use.

Play materials shall be stored on low, open shelves, readily accessible to children and shall be arranged in an orderly manner so that children may select, remove and replace the play materials either independently or with minimum assistance.

Each center shall have enough planned materials and equipment so that at any one time, each child for which the center is licensed can be individually involved. Separate play rooms or separate interest centers shall be provided for each category of equipment required for the program. Material and equipment shall be representative of each category listed below.

Art Supplies: Paints (tempera, poster, finger), easel, crayons, blunt scissors, paste, clay, and college materials.

Blocks and Accessories: Large and small blocks, boats, cars, planes, trains, figures of people and animals of various sizes.

Books and Posters: Picture and storybooks, flannel boards.

Dramatic Play Area: Beds, dolls, telephones, toy stove, sink, refrigerator, cabinets, table, chairs, dishes, pots, pans, ironing board, iron, cleaning equipment (broom) dress-up clothes (both men's and women's), large mirror placed at child's level, puppets and materials for costumes.

Large Muscle Equipment: Boxes, boards, saw horses, barrels, climbers, ladders, workbench, sand, water, wheel toys, swings, slides, balls.

Manipulative Toys: Pegs, beads, lotto, puzzles, pounding boards, small building sets.

Musical Equipment: Piano, records and record player, drums, cymbals, bells, rhythm sticks.

Science Materials: Aquarium with fish, nonpoisonous seeds and flower pots, growing plants, gardening tools, dry batteries, magnets, compass, thermometer, rope and pulleys, magnifying glass.

613. Nap Provision

A-7415.6 Physical Care.

All preschool children remaining in the center longer than four hours shall have a nap or rest period.

A rest period or quiet activities shall be provided before meals are served.

A-7416.3 Night-time Care of Children.

Centers offering care beyond the usual hours of operation shall observe the following provisions for care:

> Separate cribs or cots with sheets and clean washable covering or two-inch sleeping pads or mattresses shall be provided for each child. If pads or mattresses are used, the room temperature at floor level shall be at 68 to 72 degrees. Pads and mattresses shall be fitted with clean washable removable covering. Permission of parents or guardians shall be obtained for each child who uses a sleeping pad or mattress placed on the floor.

A-7417.9 Sleeping Area and Equipment.

A firm and sanitary cot with a clean washable cot cover shall be provided for each preschool child remaining in the center over four (4) hours. Each child shall have a clean, washable blanket or other suitable covering for his use while sleeping or resting. Cots shall be thoroughly cleaned and covers washed before assignment to another child.

In multiple use facilities where bedding is used by children other than children attending the day care center, it shall be the responsibility of the center staff to thoroughly clean all equipment before use by day care center children.

If cots are not used, a two-inch pad with a clean washable pad cover and a clean washable blanket or other suitable covering shall be provided.
The pad may be placed directly on clean floors where the floor level temperature shall be at least 68 to 72 degrees.

Cots or pads shall be spaced at least two (2) feet apart on all sides.

Adjustable shades or curtains shall be provided to promote an atmosphere conducive to sleep at nap time.

When the room provided for rest is used for other program activities, the cots or pads shall be properly stored in an area which is not included in the required square footage assigned for play space.

614. Discipline and Guidance

A-7415.6 Physical Care.
The director shall not use, nor permit an employee or other child to use, corporal or other harsh punishment, or any humiliating or frightening method of discipline to control the actions of any child or group of children. Punishment shall not be associated with food, rest or toileting.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Not specified

712. Health Assessments

A-7415.1 Health Examination.

Each child 2 1/2 years of age and over, admitted to the center, shall have a health examination within six months prior to admission or within thirty (30) days after admission. A medical statement dated and signed by authority of a licensed physician, or a copy of the child's health record signed by a physician and carried by the parent, shall be on file in the center and shall include information and instruction for care of each child who has a chronic or handicapping problem, physical or emotional, such as seizures, asthma, diabetes, allergies, heart or respiratory illness and drug reaction.

A-7415.2 Periodic Health Examination.

Periodic health examinations for children age 2 1/2 years and over shall be repeated annually, and whenever the director shall have reason to suspect that a child participating in the program may have a condition hazardous or potentially hazardous to others, or finds that the child's general condition indicates the need for such examination. The date and results of such health examinations shall be submitted to the child care center.

713. Immunizations

A-7415.1 Health Examination.

Each child 2 1/2 years of age and over, admitted to the center, shall have a health examination within six months prior to admission or within thirty (30) days after admission. A medical statement dated and signed by authority of a licensed physician, or a copy of the child's health record signed by a physician and carried by the parent, shall be on file in the center and shall include information regarding immunizations, vaccinations, or tuberculin testing the child has had and the dates administered.

714. Sanitation

A-7415.5 Personal Hygiene.

The center shall include provision for personal hygiene, washing hands and face before meals, and washing hands after using toilet facilities.

Each child shall be provided an individual washcloth and towel, or disposable towel, or if other type facilities are used, they shall be approved by the Department of Health. All toilet articles shall be individually identified and kept in a sanitary condition.

Wet or soiled clothing shall be changed promptly. A sufficient supply of clean clothing shall be available for this purpose.

A-7416.2 Program Equipment and Materials.

If the facility has dogs and cats, they shall be immunized for any disease which can be transmitted to humans. There shall be no turtles or birds of the parrot family at the center. All pets shall be cared for as recommended by the State/Local Department of Public Health.

A-7416.3 Night-time Care of Children.

Children shall be bathed as necessary and changed into comfortable night clothing for sleeping.

A-7417.4 Plumbing and Toilet Facilities.

If drinking fountains are not available, individual single service cups shall be provided in a sanitary dispenser, and used only once.

A-7417.5 Laundry Facilities.

If laundry facilities are included, they shall be installed and used in such a manner as to safeguard the health of children.

Laundry fixtures shall be located in an area separate from food preparation area and toilet rooms.

Laundry trays or slop sinks shall be available and located conveniently for purposes of cleanliness and sanitation.

A-7418.3 Safety Requirements.
Buildings shall be kept in good repair and maintained in a safe, clean, and sanitary condition. Good housekeeping shall be observed in all areas at all times.

Major cleaning in rooms shall be prohibited while rooms are occupied by children.

All garbage and trash shall be kept in easily cleanable containers with close-fitting covers and shall be stored in areas inaccessible to children and approved by the fire department. Garbage and trash shall be removed from the premises as frequently as necessary to prevent nuisance conditions.

715. Daily Illness Screening

A-7415.4 Health Practices and Control of Communicable Diseases.
There shall be daily observation of each child on arrival at the center by a person capable of recognizing common signs of communicable diseases or other evidence of ill health. Staff shall be alert to symptoms of illness throughout the day. A child who is ill upon arrival at the center shall not be admitted.

716. Care of Sick Children

A-7415.4 Health Practices and Control of Communicable Diseases.
When communicable diseases occur, all staff members shall be advised, and all parents or guardians of exposed children shall be notified immediately by the center and such children shall be observed for symptoms of the disease.

The director shall request parents to report exposure of a child to communicable disease outside of the center; and at the discretion of the director, the child shall be excluded from attendance at the center for such time as is prescribed by the child's physician or for a period of time designated by the local health division.

When accidents or illnesses occur, the director or responsible adult in charge shall notify the parent or guardian of the child or call the physician or medical facility as instructed in writing by the parent or guardian.

717. Medication and Special Diet Provisions

A-7415.7 Medication.

The giving or application of medication including tranquilizers and sedatives, or individual special medical procedures shall be provided only on written order or a prescription from a physician to the child's parent(s) or guardian(s), or to the center, with knowledge and written consent of the parent(s) or guardian(s).

Medication prescribed for an individual child shall be kept in the original container bearing the original pharmacy label which shows the prescription number, name of medication, date filled, physician's name, child's name and directions for dosage. When no longer needed, medications shall be returned to parents or guardians, or destroyed.

There shall be one staff member on duty at any time designated to dispense and to record all medications. All medicines and drugs shall be kept in a storage area inaccessible to children.

Providing dietary supplements or making variations of diet shall be carried out only on written order from a physician to the child's parent(s) or guardian(s), or to the center with written consent of the parent(s) or guardian(s).

718. Waiver of Health Requirements

Not specified

720. SAFETY

721. General Safety Requirements

A-7418.3 Safety Requirements.
Volatile substances such as gasoline, kerosene, fuel oil, paints, and other hazardous items such as firearms and explosives, shall not be stored in any building used by children. Plastic bags, sharp tools or instruments shall be stored in areas inaccessible to children and in a manner approved by the fire department.

All outdoor areas available to children's activities shall be maintained in a safe condition by removal of debris, dilapidated structures, broken or worn play equipment. The play areas shall be free of unprotected wells, grease traps, cisterns, cesspools, and utility equipment.

A-7418.1 Space Requirements.
All stairways, interior and exterior, which are used by children shall be provided with hand-rails within reach of the children.

The play area shall be fenced or have natural barriers such as hedges or stationary walls to restrict children from unsafe areas.

722. Fire Safety Requirements

A-7418.3 Safety Requirements.
When smoking within the facility is permitted, smoking areas shall be designated and approved by the fire department.

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Every building or structure shall be so constructed, arranged, equipped, maintained and operated as to avoid undue danger to the lives and safety of its occupants from fire, smoke, fumes, or resulting panic during the period of time reasonably necessary for escape from the building or structure in case of fire or other emergency.

In every building or structure, exits shall be so arranged and maintained as to provide free and unobstructed egress from all parts of the building or structure at all times when it is occupied. No lock or fastening to prevent free escape from the inside of any building shall be installed. Only panic hardware or single action hardware shall be permitted on a door or on a pair of doors. All door hardware shall be within the reach of children.

In every building or structure, an automatic or approved manually operated fire alarm system shall be provided to warn occupants of the existence of fire so that they may escape, or to facilitate the orderly conduct of fire exit drills.

Each staff member of the child care center shall be trained in fire safety in accordance with Life Safety Codes.

Fire exit drills shall be held with sufficient frequency to familiarize all occupants with the drill procedure and to have the conduct of the drill a matter of established routine. Fire drills shall be coordinated with local fire department procedures.

Drills shall be held at unexpected times and under varying conditions to simulate the unusual conditions prevailing in case of fire.

In the conduct of drills, emphasis shall be placed upon orderly evacuation under proper discipline, rather than upon speed as such; no running or horseplay shall be permitted.

Drills shall include suitable procedures to make sure that all persons in the building, or all persons subject to the drill, actually participate.

Fire alarm facilities shall be regularly used in the conduct of fire exit drills.

723. Transportation

A-7419.1 Transportation Provided by Centers.
If a center provides transportation, it shall assume responsibility for a child between the place where he is called for and the center, and from the center until he is delivered to his parents or to a responsible person designated by his parents.

The center shall require written permission from parents and guardians for transportation of their child to and from the center and for center-sponsored excursions in center-operated vehicles or in vehicles volunteered for center use.

There shall be at least one adult supervisor in addition to the driver for 7 to 15 children and a ratio of one adult for each additional 15 children, or portion of that number, using the vehicle, or, in lieu thereof, each child being transported shall be secured in a seat by a seat belt appropriate to the weight and height of the child. No child shall be permitted to remain unattended in the vehicle.

Children shall not be permitted to ride in the front seat of a vehicle unless each child is secured with an automobile safety belt. Children shall remain seated while the vehicle is in motion.

Children shall be loaded and unloaded at the curb on the side of the street on which the home, center, or other destination is located.

Transportation arrangements for school-age children shall be by agreement between the center and the child's parents, i.e., whether the child is to walk, ride his bicycle, or travel in a car. The center shall exercise reasonable precaution to see that the child arrives at the center from school when expected and to follow-up on his whereabouts if he should be late. Written permission from parents or guardians for their child to attend community functions after school hours shall include agreements regarding transportation.

A-7419.2 Responsibility for Drivers of Vehicles.

All drivers of vehicles transportating children shall comply with applicable laws of the Colorado State Department of Revenue, Motor Vehicle Department, and ordinances of the municipality in which the child care center operates.

All drivers of the vehicles owned by the center, in which the children are transported, shall have a current American Red Cross Standard First Aid Certificate or its equivalent and have access in the vehicle to a first aid kit, as recommended by the American Red Cross current edition.

A-7419.3 Responsibility for Vehicles.

Any vehicle operated by the center and used for the transportation of children shall be provided with door locks and the driver of such vehicle shall be responsible for assuring that doors are locked at all times while vehicle is moving.

Any vehicle which a facility uses for transportation of children shall be enclosed.

A-7419.4 Transportation of Infants and Toddlers.

Centers providing transportation for infants and toddlers to and from the center shall comply with the following requirements:

All vehicles shall be equipped with car beds and/or children's car seats.

Car beds shall be anchored securely to the floor of the vehicle and infants shall be strapped in the car bed.

Car seats shall be fastened securely to the seat or to the floor of the vehicle. Children shall be secured with safety belts anchored to the floor.

Any child who has developed skill to sit alone safely shall use a car seat, not a car bed.

There shall be no more than one child in each car bed or car seat.

There shall be one adult in addition to the driver for each five (5) infants/toddlers being transported. Each adult shall have a current American Red Cross First Aid Certificate or its equivalent. An adult shall accompany each child to and from the vehicle to the child's home or home authorized by the parents to receive the child.

724. Safety Requirements for Equipment

A-7416.2 Program Equipment and Materials.
Equipment, materials and furnishings shall be of sturdy, safe, construction, easy to clean, and free of hazards which might be dangerous to the life or health of children. It shall be free of sharp points or corners, splinters, protruding nails, loose rusty parts or paint which contains lead or other poisonous materials.

All play equipment shall be constructed with a safety factor of five. Safety Factor of five is the ratio of the ultimate (breaking) strength of the equipment to the actual working stress or to the maximum permissible safe load when in use.

725. Water Activities (Including Swimming)

A-7418.2 Swimming Pool.

When a swimming pool is provided, it shall meet the requirements of the State Department of Public Health safety precautions. An outdoor pool shall have protective fencing, winter coverage which shall exclude plastic or inflatable type domes, and a nonskid surface area of at least four (4) feet adjoining pool sides. A certified Water Safety Instructor shall be in attendance at all times when the pool is in use. In addition, the proper staff-child ratio shall be maintained.

The use of permanent wading pools shall be prohibited. Only portable wading pools under close supervision shall be used. A water temperature of not less than 60 degrees F. shall be maintained. Pools shall be emptied and placed in storage when not in use.

726. Emergency Procedures

A-7411.6 Communication.

A car or planned arrangement for use of a car shall be available to the center for emergencies.

A-7415.4 Health Practices and Control of Communicable Diseases.

Emergency telephone numbers shall be readily available.

727. First Aid Supplies

A-7415.4 Health Practices and Control of Communicable Diseases.

At all times, at least one staff member on duty at the center shall have a current American Red Cross Standard First Aid Certificate or its equivalent and shall be responsible for administering first aid to children. Standard first aid equipment as described and recommended by the American Red Cross current edition or a comparable kit shall be maintained and stored in an area inaccessible to children.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

A-7415.8 Food and Nutrition.

Children who are in the child care center for more than four (4) hours, day or evening, shall receive a meal which shall not be less than one-third (1/3) of their daily food needs. Meals and nutritious snacks shall be served at suitable intervals and shall be in accordance with the recommended Dietary Allowance for Food and Nutrition Board, National Research Council, 1968.

The size of servings shall be suitable for the child's age and appetite and sufficient time shall be available for meals to be unhurried.

Children shall not be subjected to coercion including forced feeding or other punishment for refusal to eat.

Staff members shall eat with the children and shall encourage children to accept a variety of food served.

Drinking water shall be freely available to children.

A-7416.3 Night-time Care of Children.

A nutritious evening meal shall be served to children and a bedtime snack shall be offered.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

A-7415.8 Food and Nutrition.

All food shall be from sources approved or considered satisfactory by the health authority. All food shall be stored, prepared, and served in such a manner as to be clean, wholesome, free from spoilage, and safe for human consumption. Home-canned vegetables, fruits, meats, and artificial sweeteners shall not be served.

Food service preparation areas, dish and utensil washing and storage shall be operated in compliance with the requirements of the State or local Department of Public Health.

A-7417.6 Kitchen and Food Preparation Center.

Food preparation shall be carried on in a kitchen with proper equipment and clean-up facilities appropriate to the size of the child care center.

In a center licensed for seven (7) to twelve (12) children, a separate kitchen or family kitchen in good repair and separate from other rooms shall be provided. A mechanical dishwasher or adequate dishwashing system approved by the Health Department, shall be provided.

Where food is prepared on the premises, in centers licensed for thirteen (13) or more children, there shall be adequate sized equipment, sufficient tabletop space, a mechanical dishwasher, or an adequate system for washing dishes, which is approved by the Health Department.

Adequate space for receiving, storage, and refrigeration of food, shall be provided. Storage space shall be clean, well ventilated, and containers of food shall be covered and stored above the floor on shelves or other clean surfaces.

Provision shall be made for daily disposal of garbage and other refuse. If a food waste grinder is in use, it shall be installed in compliance with applicable Health Department regulations.

Separate storage of poisonous and toxic materials from food shall be provided. Such materials shall be labeled and used only in ways that will neither contaminate food nor be hazardous to employees.

Kitchen ventilation by means of an exhaust fan and range hood may be necessary in operations that produce conditions of steam and grease.

Hand-washing and toilet facilities for use of kitchen staff shall be provided and shall be readily accessible.

In child care centers without kitchen facilities, the foods and dishes shall be transported by means acceptable to the Health Department from an approved food preparation source, and served within one-half hour of receipt.

When single service utensils are used, they shall be stored and handled in a sanitary manner and shall be discarded after a single use.

Children under the age of two years shall be excluded frm the kitchen. Under any circumstances where children age two and over prepare food in the center, their activity shall be limited to use of equipment and appliances that do not present a safety hazard. There shall be at least one adult in the kitchen or food preparation area at all times to supervise children.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

A-7411.2 Parent Participation.

Provision shall be made for conferences with the parent(s) or guardian(s) with an appropriate staff member in order that the parent(s) or guardian(s) may be informed of the child's behavior, his progress, social and physical needs.

The center shall be open to visits by parent(s) or guardian(s) of the child.

The center shall notify the parent(s) or guardian(s) of significant changes in the service in order that they may decide whether the service continues to meet the needs of their children.

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

A-7423 Activity With Infants.

No child shall be confined to cribs or playpens during the entire time at the center and each child shall have a protected area in which to move about safely.

Nonwalking children shall have opportunity during each day for freedom of movement, such as creeping or crawling in a safe, clean, open, uncluttered area.

Each child shall have periodic individual personal contact and attention from an adult, such as being held, rocked, taken on walks inside and outside the center, talked to and sung to.

Each child shall be allowed to form and observe his own pattern of sleeping and waking periods.

There shall be no routine attempt to toilet train infants.

All cries of infants shall be investigated.

A-7424.3 Required Equipment.

An adequate number of feeding tables equipped with a harness or high chairs with a broad base and a harness for securing the child, shall be provided.

The Infant Nursery shall provide playpens, jump chairs and adult rocking chairs. The playpens shall be portable.

Some play equipment from the following list shall be provided: Cradle gyms, mobiles, rubber washable toys, rattles, blocks, balls and a phonograph and radio.

A-7429.2 Program.

The toddler nursery shall carry out a planned, written program suitable to the needs of the children. This program shall be available for evaluation when requested by the State Department.

Each child shall have individual personal contact and attention from an adult, such as being held, rocked, taken on walks inside and outside the center, talked to and sung to.

There should be no routine attempt to toilet train toddlers under the age 18 months.

Each child shall be allowed to form and observe his own pattern of sleep and waking periods. Special provision shall be made so that children still requiring a morning naptime shall have a separate area for their nap apart from space used for play.

No harsh punishment nor any humiliating or frightening method of discipline shall be used with a toddler. Punishment shall not be associated with food, rest, or toileting.

A-7430.1 Equipment, Materials, and Furnishings.

Equipment, materials, and furnishings shall be provided for both indoor and outdoor play that are sufficiently varied and adequate to meet the development needs of the children and the number attending, and appropriate to their ages, size, and activities. If swings are used, they shall have seats made of a flexible material and shall be separated from the play areas used by the other toddlers.

A-7430.2 Toddler Play Equipment.

Each nursery shall have some play materials from each of the following categories:

Books; including some cloth books.

Balls; rubber or soft plastic of medium size.

Manipulative toys; color cones, large poppit beads, large beads to string, three and four-piece wooden inlay puzzles, mobiles, and cradle gyms.

Blocks and accessories; lightweight blocks, assortment of small rubber wheel toys, figures of animals and people.

Washable, soft toys and washable stuffed animals and dolls without pin eyes.

Large muscle equipment; refinished packing boxes, sturdy planks to walk on, rocking boat, jump chairs with safety features, polyethylene dish pans for water play.

Push toys, pull toys.
Musical instruments; piano, record player, drum.
Playpens which are portable, have a washable mat.

1120. HEALTH AND SAFETY REQUIREMENTS

A-7422.1 Health Examination.

Each infant shall have a preadmission physical within two weeks prior to admission including a statement by a physician concerning any special needs of the infant.

Health examinations shall be repeated each three months during the infant's first year, each six months during the infant's second year and annually thereafter. The date and results of health examinations shall be submitted to the nursery.

A-7422.2 Personal Hygiene - Infant and Staff.

Each infant shall be provided with two (2) wash cloths, one for washing the infant prior to diapering, one for each washing, and an individual towel. If disposable towels are used, they shall be the soft absorbent type. All toilet articles shall be identified and separated as to each infant and kept in a sanitary condition.

Wet or soiled clothing shall be changed promptly. The Infant Nursery shall provide a sufficient supply of clean clothing for emergency use.

A sufficient supply of clean, dry diapers shall be available and diapers shall be changed as frequently as needed on a surface which is thoroughly cleaned after each diaper change. Safety pins shall be kept out of the reach of infants.

Soiled diapers shall be immediately rinsed and placed in plastic bags or plastic lined, covered containers. These containers shall be emptied, cleaned and disinfected daily.

Clothing worn by staff members to and from work shall be covered by or replaced with clean, comfortable, non-irritating washable smock or similar clothing.

A-7422.3 Feeding the Infant.

Hands shall be scrubbed with soap and running water before preparing food and before feeding each infant.

A-7424.1 Building Site.

The required minimum temperature shall be 72 degrees at the floor level. Infants shall be protected from direct light and draft.

Pets in an Infant Nursery shall not be permitted.

A-7424.2 Space Requirements.

The outdoor activity area shall be a minimum of 400 square feet and shall be fenced and free of hazards which are dangerous to the health and life of infants. It shall be free from unprotected wells, pools, cesspools, debris and flammable material. No wading or swimming pools shall be permitted. The outdoor area shall be designed so that all parts are always visible to and easily supervised by staff. Adequate protection against insects shall be provided. Provision shall be made for both sunny and shady areas. The outdoor area shall not be used for any other group of children while being used for infants.

A-7424.3 Required Equipment.

Equipment, materials and furnishings of the center shall be of sturdy, safe construction, easy to clean, and free from hazards which might be dangerous to the life or health of the children, whether for indoor or outdoor use; they shall be kept clean and in good condition, free of sharp points or corners, splinters, protruding nails, loose rusty parts, or paint which contains lead or other poisonous materials.

Adequate convenient storage of clean diapers, clothing, and other items shall be provided for each infant.

A flush toilet or flush sink shall be provided for rinsing soiled diapers. After rinsing, soiled diapers shall be placed in covered containers and removed daily for washing.

Handwashing facilities for adults shall be conveniently located in, or adjoining areas used by infants, and attendants' hands shall be washed after caring for each infant.

A-7426.4 First Aid Requirement.
In the Toddler Nursery, there shall be one staff member at all times who has a current Standard First Aid Certificate.

A-7428.1 Health Examination.
Each child under 2 1/2 years shall have a health examination within two weeks prior to admission to the center. Physical examinations shall be repeated each six months thereafter until the child reaches the age of 2 1/2 years.

A-7428.2 Personal Hygiene.
The nursery shall include provision for personal hygiene, washing hands and face before meals, and hands after using toilet facilities.

Each toddler shall be provided with a washcloth for washing prior to diapering, another washcloth for face washing, and an individual towel. If disposable towels are used, they shall be the soft absorbent type. Each child's toilet articles shall be identified, kept separate, and be kept in a sanitary condition.

Wet or soiled clothing shall be changed promptly. The Toddler Nursery shall provide a sufficient supply of clean clothing for emergency use.

A sufficient supply of clean, dry diapers shall be available and diapers shall be changed as frequently as needed on a surface, which is thoroughly cleaned after each diaper change. Safety pins shall be kept out of the reach of toddlers.

Soiled diapers shall be immediately rinsed and placed in plastic bags or plastic lined, covered containers. These containers shall be emptied, cleaned, and disinfected daily.

A-7430.3 Safety.

Equipment, materials, and furnishings of the center shall be of sturdy, safe construction, easy to clean, and free from hazards which might be dangerous to the life or health of the children; whether for indoor or outdoor use, they shall be kept clean and in good safe condition, free of sharp points or corners, splinters, protruding nails, loose, rusty parts, or paint which contains lead or other poisonous materials. Toys made of brittle, easily breakable plastic shall not be permitted.

1130. INFANT NUTRITION

A-7422.3 Feeding the Infant.

An individualized diet and feeding schedule shall be provided according to a written plan submitted by the parents or by the child's physician with the knowledge and consent of the parent. A change of diet and schedule shall be noted on each child's daily activity schedule and posted in an area clearly visible to the nursery staff.

The Infant Nursery shall provide all infant's food other than formula. Food shall be varied and include cereal, vegetables, fruit, eggs and meat.

There shall be no formula preparation at the center. A day's supply of formula in unbreakable nursing bottles shall be provided by the parents or guardians. Bottles of formula shall be clearly labeled with each child's name. After use, bottles shall be rinsed thoroughly before return to the parent. Special dietary foods shall be prepared by parents or guardians if required by the child.

Adequate refrigeration for formula and solid foods shall be provided. Unused infant foods shall be stored covered in the original container and kept separate from other foodstuffs. Dry cereal, cookies, crackers, breads, and similar foods shall be stored in clean covered containers.

All young infants shall be held for bottle feeding. Older infants and toddlers shall be fed in safe high chairs, or at baby feeding tables. Older infants shall be provided suitable foods which encourage freedom in self-feeding.

A-7429.1 Feeding.
There shall be no forced feeding. Either depriving or forcing food shall not be permitted.

Staff members shall eat with the children who eat at the table. Staff members shall either feed or supervise the feeding of other children.

The use of bottle feeding for toddlers shall be in accordance with the individual needs of the child and shall follow the parent's direction. Formula in nursing bottles shall be prepared by the parent and shall be clearly labeled with the child's name. After use, bottles shall be rinsed thoroughly before returning to parent.

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

A-7415.3 Handicaps.
The admission of children with handicaps shall be encouraged when the staff has skill in the understanding and management of the needs of children with special problems and when they can be integrated in a group.

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

A-7416.2 Program Equipment and Materials.

If the facility serves school-age children, it shall have some materials and equipment from each of the following categories:

> Arts and Crafts: Sewing, knitting, weaving, jewelry, materials for costume and puppetry, drama and dancing woodwork, and a varietv of musical equipment, paper, paints, clay.
>
> Games: Table games, puzzles, cards.
>
> Sports: Regulation-size basketballs, softballs, bats, tetherballs, outdoor gym set.
>
> Science: Gardening tools, nonpoisonous seeds, growing plants, fish, aquarium, dry batteries, magnets, compass, thermometer, rope and pulleys, magnifying glass.
>
> Library: Books, magazines, posters.

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

A-7415.4 Health Practices and Control of Communicable Diseases.

There shall be provided an isolation area where children too ill to remain in the group may be comfortably cared for and supervised until they can be taken home or suitably cared for elsewhere. All items including cot, bedding, utensils, toys, toilet and lavatory used by the ill child shall not be used by any other person until all items have been properly sanitized.

A-7416.2 Program Equipment and Materials.

Sufficient space accessible to children shall be provided for each child to hang his own clothes and to keep other personal items.

Adequate storage space shall be provided for indoor and outdoor equipment and supplies. Space for reserve supplies shall be in addition to the designated space allotment for children's play activities.

A-7417.1 Building Site.

Centers shall not be located in a private residence unless that portion of the residence to which children have access is used exclusively for the children during the hours the center is in operation, or is separate from the living quarters of the family.

No other business enterprises shall be held in the same area as the child care center during the hours of child care operation.

A7417.7 Office Facilities.

Office space separated from areas used by children, other than for isolation purposes, shall be provided for staff use in interviewing, conferences, and other accommodations as needed for administrative duties and responsibilities.

There shall be provision for maintenance and safe storage for records of children and staff, and business records of the facility.

A7417.8 Isolation Area.

An isolation area shall be provided for the temporary care of children who become ill. If the area is not a separate room, it shall be separated from space used by other children by a partition, screen or other suitable means. It shall be in close proximity to toilet and lavatory facilities, and where health and sanitation measures can be carried out without interruption of activities of other children and staff.

A-7418.1 Space Requirements.

Open indoor play space shall provide thirty (30) square feet of floor space per child, including space for readily movable furniture and equipment. Indoor space shall be exclusive of kitchen, toilet rooms, isolation area, office, staff rooms, hallways and stairways, closets, lockers, laundry, furnace rooms, and space occupied by permanent built-in cabinets and storage shelves.

Child care centers in operation prior to January 1, 1966, and which continue operation under the same governing body, shall provide open indoor play space of twenty-five (25) square feet of floor space per child, including space with readily movable furniture and equipment, and with the exclusions the same as noted above.

No child of less than third grade school level shall be cared for in areas above or below the floor of egress.

The center shall provide an outdoor play area which is adjacent to or safely accessible to the indoor facilities. When the area is not adjacent, staff members shall accompany children to and from the play area.

The outdoor play area shall provide a minimum of 75 square feet of space per child for a group of children using the total play area at any one time. In no center shall the total play area be less than 75 square feet per child for at least one-third of the licensed capacity of the center or a minimum of 1500 square feet, whichever is greater.

The play area shall be designed so that all parts are visible and easily supervised.

A shaded area shall be provided by means of trees or other cover to guard children against the hazards of excessive sun and heat.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

A-7417.3 Heat, Light, Ventilation.
All heating units, gas or electric, shall be installed and maintained with safety devices to prevent fire, explosions, and other hazards. No open-flame gas or oil stoves, open fireplaces, hot plates or unvented heaters shall be used for heating purposes. All heating elements, including hot water pipes, shall be insulated or installed in such a way that children cannot come in contact with them.

Heating facilities shall be capable of maintaining a draft-free temperature of 72 degrees F. at floor level in occupied rooms.

Each room of occupancy shall be well-lighted and adequately ventilated by exterior windows or by an approved air conditioning system. If windows are used for ventilation, the total window area in each occupied area shall be equivalent to at least 10% of the floor area. One-half of the required window area shall be openable and all exterior openings shall be screened, where necessary for insect exclusion, with screening of not less than 16 mesh per square inch. If a mechanical ventilation system is provided, it shall meet requirements of the local building codes and fire regulations, and shall be kept continuously in operation during periods of occupant use.

Electrical wiring systems in all buildings shall conform to the requirements of the State Electrical Board. Electrical appliances shall be examined frequently for worn or otherwise defective wiring; in rooms used by children, electrical outlets shall have protective covers.

Corridors, halls, stairs, and porches shall be adequately lighted. Permanently installed battery powered lights shall be provided in locations readily accessible to staff in the event of electric power failure.

1430. EXITS

A-7418.1 Space Requirements.
Egress from each room shall be directly available without passage through another room to the exterior of the building or to a common hallway leading to the exterior.

Each center shall have at least two approved, alternate, remotely located means of egress from each floor of the building or to a common hallway leading to the exterior.

1440. TOILETS AND LAVATORIES

A-7417.4 Plumbing and Toilet Facilities.
The water supply, sewage disposal systems, toilet and lavatory facilities shall meet requirements of the Health Department authorities.

Toilet rooms shall be constructed of easily cleanable nonabsorbent materials. Floors shall have an impermeable nonskid surface. Walls shall have a finished surface extending to a height of four (4) feet in toilet rooms. All surfaces shall be easily cleanable and maintained in good repair.

Toilet facilities available for the staff and other adults shall be in separate compartments or separated by partition from facilities furnished for children, except in centers licensed for thirty (30) children or less, and in centers with programs of four hours or less. Toilet rooms for children shall be located in rooms separate from rooms used for other purposes and shall be located on the same floor as inside play area. A minimum of one (1) lavatory and one (1) flush toilet shall be provided for each fifteen (15) children. In new facilities, opening after the promulgation of these regulations, or in facilities installing new equipment, toilets with open-front seats shall be used.

The same toilet facilities shall not be used simultaneously by school-age children of opposite sex and toilets for schoolage children shall be separated by partitions.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

A-7403.1 Original Application: Child Care Center and Child Placement Agency.

It is the responsibility of the applicant to secure approval from the local zoning and building departments, as well as health and fire departments.

1520. FIRE

A-7417.2 Building Plans and Construction.

Each licensed child care center shall meet the requirements of the State Health Department or its local unit; the local fire department or the Colorado Division of Labor, Safety Section; and shall be inspected annually for compliance with current sanitation and Life Safety Code Regulations. All health and life safety hazards shall be corrected within the time specified by the appropriate department.

A-7418.3 Safety Requirements.

The local fire department or the Colorado Division of Labor shall determine the adequacy of exits and other measures for life safety in accordance with the requirements of the Uniform Building Code and the National Fire Protection Codes. In cases of practical difficulty or unnecessary hardship, the local fire department or the Colorado Division of Labor may grant exceptions from the Uniform Building Codes or the National Fire Protection Codes, but only when it is clearly evident that reasonable safety is thereby secured.

1530. BUILDING

A-7417.2 Building Plans and Construction.

Licensed child care centers shall comply with applicable state and local building code regulations.

1540. HEALTH

A-7403.1 Original Application: Child Care Center and Child Placement Agency.

Each child care center shall be approved by the State or local departments of public health as conforming to the sanitary standards prescribed by departments of public health and shall conform to fire prevention and protection requirements of local fire departments in the locality of the facility, or in lieu thereof, the Department of Labor and Employment.

1550. SANITATION

See 1540. HEALTH

1560. NEW CONSTRUCTION

A-7417.2 Building Plans and Construction.
Prior to construction, architectural plans for new buildings, or for extensive remodeling of existing building, shall be submitted for review and approval by the State Health Department or its local unit, the local fire department or the Colorado Division of Labor, Safety Section; and the local building department. Plans shall be reviewed and approved by the State Department of Social Services as to appropriateness, general adequacy and suitability for the child care functions.

Except where otherwise noted, all citations are to the Connecticut Department of Health Services, Public Health Code Regulations for Child Day Care Centers and Group Day Care Homes, November, 1979.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

CONN. GEN. STAT. §19-43b Child Day Care Services Defined.
"Child day care services" shall include:

> A "child day care center" which offers or provides a program of supplementary care to more than twelve unrelated children outside their own homes on a regular basis for a part of the twenty-four hours in one or more days in the week.
>
> A "group day care home" which offers or provides a program of supplementary care to not less than five nor more than twelve related or unrelated children on a regular basis for a part of the twenty-four hours in one or more days in the week.
>
> A "family day care home" which consists of a private family home caring for not more than four children not related to the provider where the children are cared for not less than three nor more than twelve hours during a twenty-four hour period and where care is given on a regularly recurring basis.

112. Exclusions and Exemptions

CONN. GEN. STAT. §19-43b "Child Day Care Services Defined.
For licensing requirement purposes, child day care services shall not include such services which are (1) administered by a public or private school system,

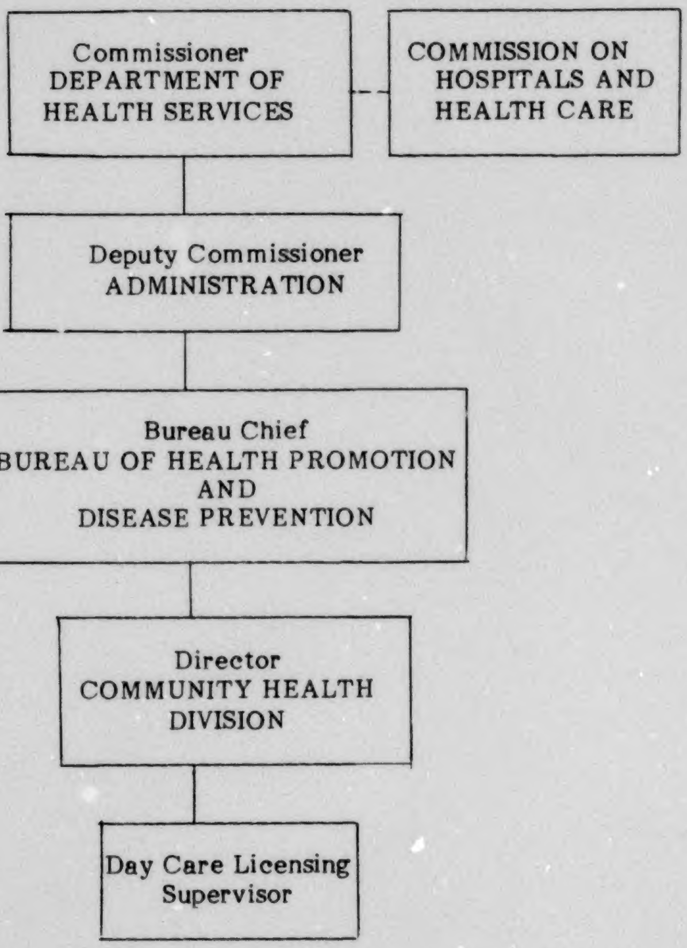
(2) recreation operations such as but not limited to boys' and girls' clubs, church-related activities, scouting, camping or community-youth programs or (3) informal arrangements among neighbors or relatives in their own homes.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit


Commissioner
DEPARTMENT OF HEALTH SERVICES
COMMISSION ON HOSPITALS AND HEALTH CARE
Deputy Commissioner
ADMINISTRATION
Bureau Chief
BUREAU OF HEALTH PROMOTION AND DISEASE PREVENTION
Director
COMMUNITY HEALTH DIVISION
Day Care Licensing Supervisor

Day Care Program Specialists in five regions functioning under the direct supervision the state central office perform the day to day licensing functions for day care centers.

either license as contained in the General Statutes, as amended, and the regulations promulgated thereunder.

CONN. GEN. STAT. §19-43e License Required for Center.
No person, group of persons, association, organization, corporation, institution, or agency, public or private, shall maintain a child day care center or group day care home without a license issued. Applications for such license shall be made to the commissioner of health on forms provided by him and shall contain the information required by regulations adopted under said sections.

Upon receipt of an application for a license the commissioner of health shall issue such license if, upon inspection and investigation, he finds that the applicant, the facilities and the program meet the health, educational and social needs of children likely to attend the child day care center or group day care home and comply with requirements established by regulations. Each license except a temporary license shall be for a term of two years, shall be inalienable, may be renewed upon terms and conditions established by regulation and may be suspended or revoked after notice and hearing as provided in . . . the regulations . . . .

222. Fee Charged

CONN. GEN. STAT. §19-43c License Required for Center.
The commissioner of health shall collect from the licensee a fee of twenty-five dollars for each license issued or renewed for a term of two years and a fee of fifteen dollars for each temporary license issued or renewed for a term of six months.

223. Areas of Investigation

Not specified

224. License Renewal

Sec. 19-13-D15 Licensure of Child Day Care Centers and Group Day Care Homes.

Ninety days prior to the expiration of the term for which a license has been issued, each operator who desires to renew the license shall make application to the commissioner of health for said renewal.

It shall be the sole responsibility of the operator to insure that all application forms and all required supporting materials are submitted to the commissioner of health.

225. Conditional/Provisional Licenses

Sec. 19-13-D15 Licensure of Child Day Care Centers and Group Day Care Homes.

A temporary license for either a child day care center or group day care home may be issued by the commissioner of health for a term of six months, and renewable for another six months if, in the commissioner's judgment, the requirements for a license may be met within a reasonable time, the health and safety of the children will not be endangered and the requirements governing the issuance of a temporary license have been met.

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

Sec. 19-13-D15 Licensure of Child Day Care Centers and Group Day Care Homes.

The commissioner of health shall make or cause to be made at any time inspections or investigations of a licensed child day care center or group day care home including records required by the commissioner of health.

232. Denial, Suspension, Revocation of a License

CONN. GEN. STAT. §19-43i Suspension or Revocation of License.

When the commissioner of health has reason to believe any person licensed has failed substantially to comply with the regulations adopted under said sections, he may notify said licensee in writing of his intention to suspend or revoke the license. Such notice shall be served by certified mail stating the particular reasons for the proposed action and fixing a place, time and date, not less than thirty days from the date of mailing of said notice, for a hearing on said action. . . . The commissioner, based upon findings of, and recommendation of the hearing officer, or after a hearing conducted by him, shall render his decision in writing suspending, revoking or continuing said license. A copy of the decision shall be sent by certified mail to the licensee. The decision revoking or suspending the license shall become effective thirty days after it is mailed by certified mail to the licensee unless the licensee shall take an appeal.

CONN. GEN. STAT. §19-43f Hearing on Denial of License.

Any applicant denied a license to operate a child day care center or group day care home shall be given written notice by certified mail by the commissioner of health stating the reasons for such denial. The applicant may, within fifteen days of the date of the mailing of said notice, make a request in writing by certified mail directed to the commissioner of health for a hearing on said denial. The commissioner of health shall notify the applicant in writing within ten days of the receipt of the request of the place and date of hearing, which hearing shall be held not less than thirty days from the date of mailing of the notice. The hearing may be conducted by the commissioner or by a hearing officer appointed by the commissioner in writing. The applicant shall be entitled to be represented by counsel and a transcript of the hearing shall be made. If the hearing is conducted by a hearing officer, he shall state his findings and make a recommendation to the commissioner on the issue of the denial of the license.

The commissioner, based upon said findings and recommendation of the hearing officer, or after a hearing conducted by him, shall render a decision in writing denying the application for the license or granting the license in accordance with the regulations adopted . . . A copy of such decision shall be sent by certified mail to the applicant. An applicant aggrieved by said decision may appeal.

233. Remedies and Sanctions

233.1 Hearings

See 232. Denial, Suspension, Revocation of a License

233.2 Decisions

See 232. Denial, Suspension, Revocation of a License

233.3 Judicial Review

CONN. GEN. STAT. §19-43j Appeal.
Any person aggrieved by a decision of the commissioner of health may appeal the decision of the commissioner except venue for such appeal shall be in Hartford County. Such appeal shall have precedence in the order of trial.

CONN. GEN. STAT. §19-43k Injunction Against Illegal Operation.
The commissioner may request the attorney general to bring an action in the superior court for Hartford County to enjoin any person, group of persons, association, organization, corporation, institution, or agency, public or private, from maintaining a child day care center or group day care home without a license or operating a child day care center or group day care home in violation of regulations.

CONN. GEN. STAT. § 19-431.

Any person or officer of an association, organization or corporation who shall establish, conduct, maintain or operate a day care center or group day care home without a current and valid license inclusive, shall be fined not more than one hundred dollars for each offense.

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

Sec. 19-13-D15 Licensure of Child Day Care Centers and Group Day Care Homes.

The operator shall display in a prominent place in the facility the license to operate issued by the commissioner of health.

Any license, including a temporary license, is limited to the operator, the facility and its location specified on the application, and the services to be rendered as indicated on the application.

Any operator shall notify the commissioner of health and the parent(s) or guardian of each child enrolled thirty days prior to the effective date of either (1) prospective change of location of facility or (2) a change in services....

Sec. 19-13-D16 Administration, Staff Services, Management.

The operator of a child day care center or group day care home shall develop and maintain a written statement of the purpose and objectives of the program and the personnel and operating policies of said operator which shall be available to all members of the staff and the consumers of the services offered.

Sec. 19-13-D18 Program.

Responsibility for First Aid. At least one staff member of the center or group day care home who has been trained in a first aid course approved by the commissioner of health shall be present at all times in the center or group day care home.

312. Telephone

Sec. 19-13-D17 Facility Requirements.

... There shall be a telephone in working order at the center or group day care home.

313. Proof of Operator Financial Capabilities

CONN. GEN. STAT. §19-43h Reports of Licensees.

Each licensee shall file annually and each temporary licensee shall file semi-annually with the commissioner of health a report containing such information concerning its operation, program and finances as may be required by adopted regulations.

314. Insurance

Not specified

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS

341. Children

Sec. 19-13-D16 Administration, Staff Services, Management.

The operator of a child day care center or group day care home shall be responsible for maintaining records which shall be kept current and be available on the premises of the center or group day care home.

A complete health record of each child shall be maintained in the center or group day care home which shall include the certification of admission, physical and dental examinations, immunization dates, and other appropriate information.

The record shall also show the residence, business address and telephone number of the parent(s) or guardian, and the telephone number of another responsible person; it shall also show the child's physician and hospital of choice to call in case of emergency. These phone numbers to be used in case of emergency shall be readily available and shall accompany the children on trips away from the premises.

Daily attendance records shall be kept by the operator of the group day care home or center.

Specific permission from the parent or guardian authorizing emergency care for the child shall be obtained in writing and kept on file at the group day care home or center.

Prior written authorization from the parent or guardian shall be obtained by the operator permitting another person to remove the child from the center or group day care home.

Written authorization from the parent or guardian shall be obtained for any activity away from the premises, with specific advance notification to the parent or guardian for trips where transportation is involved.

342. Staff

Not specified

343. Child Eligibility and Enrollment Requirements

Not specified

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

Sec. 19-13-D16 Administration, Staff Services, Management.
The operator shall maintain a staff adequate for the number, ages and needs of the children to be accomodated. Such staff shall be suitably trained or experienced in growth and development of young children. At all times, there shall be a second person on the premises of the center or group day care home available to work with the children as needed.

412. Methods of Computing Staff/Child Ratios

Not specified

420. GROUP SIZE

421. Group Size as of March, 1981

Not specified

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

Not specified

512. Health

Sec. 19-13-D18 Program.
Each staff member shall furnish a pre-employment certificate of good health, physical and emotional, including a negative tuberculin test or normal chest x-ray. Thereafter, a certificate of good health shall be required annually and a tuberculin test or chest x-ray at least every three years. The staff shall be free of disease or disability that would have a harmful effect on the children.

513. Education

Sec. 19-13-D16 Administration, Staff Services, Management.
Any person who has served as a program director, head teacher or assistant teacher for twenty years or more shall be considered as meeting the preparation requirements. All staff of centers or group day care homes shall have the ability to relate to the parents and communities in which the children live and shall show evidence of active pursuit of further preparation.

Minimum staff requirements for a child day care center.

A program assistant shall have the personal qualities to work with young children and accept supervision. Preparation for such position shall consist of at least a high school diploma or its equivalent.

A program aide shall have the personal qualities to work with young children and to work under supervision.

Minimum staff requirements for a group day care home.

All other persons working in a group day care home shall have the personal qualities to work with children, and to relate to other adults.

514. Experience

See 513. Education

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

Not specified

522. Health

See 512. Health

523. Education

Sec. 19-13-D16 Administration, Staff Services, Management.

The director-teacher or head teacher for child day care center shall have the personal qualities needed to work with children, especially young children, and to supervise others. Preparation shall consist of a high school diploma or equivalency certificate and at least one year of supervised experience in an acceptable program working with young children.

The operator of a group day care home shall have the personal qualities needed to work with children, and to relate to other adults. Preparation shall consist of a high school diploma or equivalency certificate and at least one year of experience in an acceptable program working with young children.

See also 513. Education

524. Experience

See 523. Education

530. SUPPORT STAFF QUALIFICATIONS

See 513. Education

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Sec. 19-13-D16 Administration, Staff Services, Management.

The operator of a child day care center or group dav care home shall develop and maintain a written plan for staff development to increase skills and competence through experience or training under supervision. The operator shall demonstrate to the satisfaction of the commissioner of health the implementation of such plan.

542. Child Caregiver Staff

See 541. Program Director

543. Support Staff

See 541. Program Director

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

Sec. 19-13-D18 Program.

The operator of a center or group day care home shall develop and implement a written plan for a daily program which shall provide specific experiences which promote learning and healthy adjustment, such as appropriate physical activity, problem solving experiences, creative activities, language learning experiences and opportunities to develop self reliance. As much opportunity as possible for individual development of the children should be allowed.

612. Program Equipment and Materials

Not specified

613. Nap Provision

Sec. 19-13-D17 Facility Requirements.

Adequate equipment for rest and food service shall be provided. An individual cot shall be provided for pre-school and kindergarten children wherever they remain five hours or longer. In a group day care home, an individual mat of a type approved by the commissioner of health may be substituted for the individual cot.

614. Discipline and Guidance

Not specified

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Not specified

712. Health Assessments

Section 19-13-D18 Program.

Each child admitted to a center or group day care home shall be examined and have a health certificate of admission and an annual update signed by a licensed physician or his authorized physician assistant or nurse practitioner. Such certificate shall show that the child has been successfully immunized against diphtheria, pertussis, tetanus, polio, measles and rubella.

713. Immunizations

See 712. Health Assessments

714. Sanitation

Sec. 19-13-D17 Facility Requirements.

The operator of the center or group day care home shall meet the minimum requirements of and provisions of any related local code.

Wherever water is obtained from other than an approved public water supply, it shall be of a safe and sanitary quality approved by the commissioner of health.

Drinking facilities. Sanitary drinking fountains or individual drinking cups shall be provided.

715. Daily Illness Screening

Sec. 19-13-D18 Program.
Staff members shall be knowledgeable about symptoms of childhood illness and be responsible for initial observation of each child upon his daily arrival and continued observation throughout the day for signs of illness.

716. Care of Sick Children

Sec. 19-13-D18 Program.
Any child showing suspicious signs of communicable disease shall be returned home or placed in the isolation area and the parent or guardian called immediately.

717. Medication and Special Diet Provisions

Not specified

718. Waiver of Health Requirements

Not specified

720. SAFETY

721. General Safety Requirements

Sec. 19-13-D17 Facility Requirements.
It shall be the responsibility of the operator to insure that facilities to be used as a child day care center or group day care home are suitable for this purpose and are maintained in a good state of repair and free from accident hazards.

722. Fire Safety Requirements

Reg. Of Conn. State Agencies - Conn. State Police Dept.
Day Care Centers. Smoke detectors shall be installed on the ceiling of each story in front of the doors to the stairways and at no greater than 30 feet spacing in the corridors of all floors containing the center. Detectors shall also be installed in lounges and recreation areas in centers. The detectors may be single station units with an integral alarm having a decibel rating of at least 85.

Detectors are not required in centers housing children 6 years of age and older, if no sleeping facilities are provided.

Reg of Conn. State Agencies - Conn. State Police Dept. §79-41-9.61-63 Group Day Care Homes.

Where the floor above the floor of exit discharge is used for sleeping purposes there shall be a smoke detector at the top of the stairs in a building 3 stories or less in height or inside the dwelling unit used as a day care facility in a multiple-dwelling building.

A portable fire extinguisher suitable for Class B fires shall be provided for the kitchen and cooking areas.

Any heaters in spaces occupied by children shall be separated from the space by partitions, screens or other means. If solid partitions are used to provide the separation required, provision shall be made to assure adequate air for combustion and ventilation for the heating equipment.

Approved fire evacuation plan shall be executed not less than once per month.

723. Transportation

Not specified

724. Safety Requirements for Equipment

Sec. 19-13-D17 Facility Requirements.
All equipment shall be of such character and material as to be readily cleaned.

Equipment shall not be colored or covered by any material which is poisonous. All solid constituents of paint for equipment and toys and pigment coloring in paints, pencils, crayons and inks, to be used by the children in a child day care center or group day care home, shall be non-hazardous.

725. Water Activities (Including Swimming)

Sec. 19-13-D17 Facility Requirements.
Swimming and bathing facilities, if provided, shall comply with the provisions.

726. Emergency Procedures

Sec. 19-13-D16 Administration, Staff Services, Management.
The operator of a child day care center or group day care home shall develop a written plan for handling emergencies to be maintained on the premises and to include provision of transportation, if necessary, alternate staff coverage, and notification of parents and others.

Reg. of Conn. State Agencies - Conn. State Police Dept. §29-41-9.37 Emergency Lighting.

Means of egress in each day care center shall be provided with emergency lighting.

314

In Group Day Care Homes at least one operable flashlight shall be provided for each staff member in a location accessible to the staff for use in the event of a power failure.

727. First Aid Supplies

Sec. 19-13-D-17 Facility Requirements.
A fully equipped first-aid kit shall be available at all times.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

Sec. 19-13-D18 Program.
A nutritionally adequate meal shall be provided wherever children remain for five hours or more. A snack shall be provided for those children staying less than five hours; for those staying eight hours or more, one meal plus two snacks or two meals plus one snack shall be provided. Menus shall be prepared at least one week in advance, dated, posted where the parent or guardian can see them, and a copy kept on file for three months.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

Sec. 19-13-D18 Program.
Food Service. Meals shall be prepared in a kitchen, and if not on the premises, shall be prepared and transported under the minimum requirements specified.

The kitchen shall not be used as a play room, but may be used for a special program activity room under proper supervision. It shall be separated by a door or gate from the rooms used by the children in the center or group day care home to prevent them from entering the kitchen except under supervision. Children shall not be left unsupervised during meal preparation. A kitchen which is used for the preparation and serving of food to children shall be clean, well lighted and ventilated, protected by window screening, and provided with hot and cold running water and refrigeration.

Child day care centers shall meet the requirements specified. The group day care homes shall meet the specified requirements with the following substitutions:

> Separate handwashing facilities shall be located convenient to the room where food is prepared.
>
> All multi-use eating and drinking utensils shall be thoroughly washed and rinsed and sanitized after each use by a method approved by the commissioner of health.

900. SOCIAL SERVICES

Sec. 19-13-D16 Administration, Staff Services, Management.

The operator of a child day care center shall provide the following consultation services:

> Centers without a director-teacher qualified in child development or early childhood education shall present evidence of qualified educational consultation.
>
> A licensed physician, selected by the child day care center operator or a hospital emergency service by pre-arrangement, shall be available in case of emergency.

A licensed physician or a public health nurse shall be on call for advice on problems relating to the health of the child and the health program.

A licensed dentist shall be available, when indicated, for advice relating to a dental health educational program for the center.

A nutritionist shall be available, when indicated, to the director and staff for advice on nutrition and food service.

The operator of a center without a qualified social worker on the staff shall arrange for qualified social service consultation as appropriate.

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Sec. 19-13-D19a Special Requirements.
The operator of a program caring for children under three years of age shall comply with general standards prescribed for all day care centers or group day care homes and the following additional requirements:

Infants under four weeks of age shall not be admitted to a center or group day care home.

Infants and toddlers shall not be cared for in groups of more than eight. If space permits, there may be more than one such group in a room or program.

The special equipment and supplies necessary for the care of infants and toddlers shall be available.

There shall be at least one child care person for each four children under three years of age. The person responsible for the care of infants shall have the personal qualities needed to work with infants, have an understanding of the methods of nurturing which promote maximum growth and development of personality and the ability to relate to parents.

Each infant shall be removed from his crib and held or placed in a chair for all feedings. Each infant and toddler shall be removed from his crib or play pen at other intervals during the day for individual cuddlings and for verbal communication and shall be allowed to crawl or toddle as age and development permit.

1120. HEALTH AND SAFETY REQUIREMENTS

Sec. 19-13-D19a Special Requirements.
The operator of a program caring for children under three years of age shall comply with general standards prescribed for all day care centers or group day care homes and the following additional requirements:

Special safety precautions needed for infants and toddlers shall be observed.

Where a center does not have a staff nurse, a consultant nurse shall visit weekly. There shall be evidence of frequent consultation with the advisory physician.

All persons who work with infants and toddlers shall, annually, present either a negative skin test for tuberculosis or chest x-ray evidence of no active tuberculosis.

1130. INFANT NUTRITION

Not specified

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Sec. 19-13-D19a Special Requirements.
Centers or group day care homes serving these children shall seek consultation from the appropriate state agency. Upon request of such state agency, modifications of these regulations may be considered by the commissioner of health.

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Sec. 19-13-D19a Special Requirements.
The operator of a day care program for children of school age shall comply with the general standards prescribed for all child day care centers or group day care centers or group day care homes except for specific requirements which follow:

> The day care program shall provide adequate opportunities for creative, recreational and restful activities as appropriate to meet the needs of the individual school-age child. It shall provide experience supplementary to the child's mandated school day, and the person in charge at each location may be called a "group leader."

Preparation of the person in charge at each location shall consist of training or experience in the developmental needs of children, ages six to twelve, or in elementary education with additional experience in out-of-school programs.

The operator of a day care center or group day care home shall obtain consultation from agencies serving school-age children, as appropriate.

1320. HEALTH AND SAFETY REQUIREMENTS

Sec. 19-13-D19a Special Requirements.
The operator of a day care program for children of school age shall comply with the general standards prescribed for all child day care centers or group day care centers or group day care homes except for specific requirements which follow:

When a program for school-age children is located in a public or private school facility currently used as a school, the local health and safety regulations pertaining to school facilities shall apply.

Information from the health records of school-age children may be obtained, with approval of parent or guardian, from school authorities and kept on file at the day care center or group day care home.

1400. FACILITY REQUIREMENTS

1410. SPACE

Sec. 19-13-D17 Facility Requirements.
Indoor space. The operator of a child day care center or group day care home shall provide a minimum of thirty square feet per child of indoor usable space, free of furniture, except that needed for the children's purposes, exclusive of

toilet rooms, bathrooms, coatrooms, halls, kitchen, isolation room and any other rooms which are used for other than activities of the children. Within the allowance of thirty square feet per child of indoor usable space, a group day care home may contain furniture for use by other individuals as well as the children. There must always be adequate open program space available which allows for freedom of movement by the children.

A suitably equipped space shall be provided for the isolation of any child suspected of having any communicable disease, pending examination by a physician or removal of the child to his home or both.

Outdoor Space. There shall be access to a minimum of seventy-five square feet per child in outdoor play yard so located and protected for safety as to avoid the possibility of receiving bodily injury from accident hazards.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

Sec. 19-13-D17 Facility Requirements.
All rooms used by the children shall be clean, adequately heated, lighted and ventilated. Floors shall be free from dampness and any accumulation of water.

1430. EXITS

Reg. of Conn. State Agencies - Conn. State Police Dept. §29-41-9.39 Exit Details.

Each floor occupied by children shall have not less than two remote exits. All such exits shall discharge directly to the outside.

Access to Exits. Travel distance (a) between any room door intended as exit access and an exit shall not exceed 100 feet; (b) between any point in a room and an exit shall not exceed 150 feet; (c) between any point in a sleeping room or suite and an exit access door of that room or suite shall not exceed 50 feet.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Sec. 19-13-D17 Facility Requirements.
The operator of a child day care center or group day care home shall comply with local zoning and building regulations and shall obtain a certificate of approval from the local fire marshal.

1520. FIRE

Reg of Conn. State Agencies - Conn. State Police Dept. §29-41-17.31.
Fire prevention inspections shall be conducted monthly by a trained member of the staff. A copy of the latest inspection form shall be posted in a conspicuous place in the day care facility.

1530. BUILDING

See 1510. ZONING

1540. HEALTH

Not specified

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are to the Delaware Department of Health and Social Services, Requirements for Licensing Day Care Centers, July, 1978. All references to Section I of the regulation are enforced by the Division of Social Services. All references to the section of the regulation entitled "Regulations Governing Day Care Centers" are enforced by the local health office.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

Introduction - Definition of a Day Care Center

A day care center is any facility which is owned and/or operated by an individual, a group of persons, or an agency that provides a program for 12 children or more for four hours or more per day. Day Care includes facilities commonly called child care centers, day nurseries, and day care centers. After-school care and infant care are special forms of day care. Such care may be provided in a private home, in a rented or owned property converted to the purpose of day care.

§341 Definition of "boarding home."

For the purpose of interpreting the meaning of the words "boarding home," by person, association, agency or organization is the keeper of a boarding home for children if, for hire, he or it:

> Advertises or holds himself or itself out as conducting such a boarding home;

Has in custody or control 1 child or more under the age of 18 unattended by parents or guardian, for the purpose of providing such child or children with care, food or clothing for compensation.

112. Exclusions and Exemptions

Introduction - Definition of a Day Care Center.
Day care specifically excludes: those institutions under supervision of the Department of Public Instruction, those owned and operated by governmental agencies or hospitals.

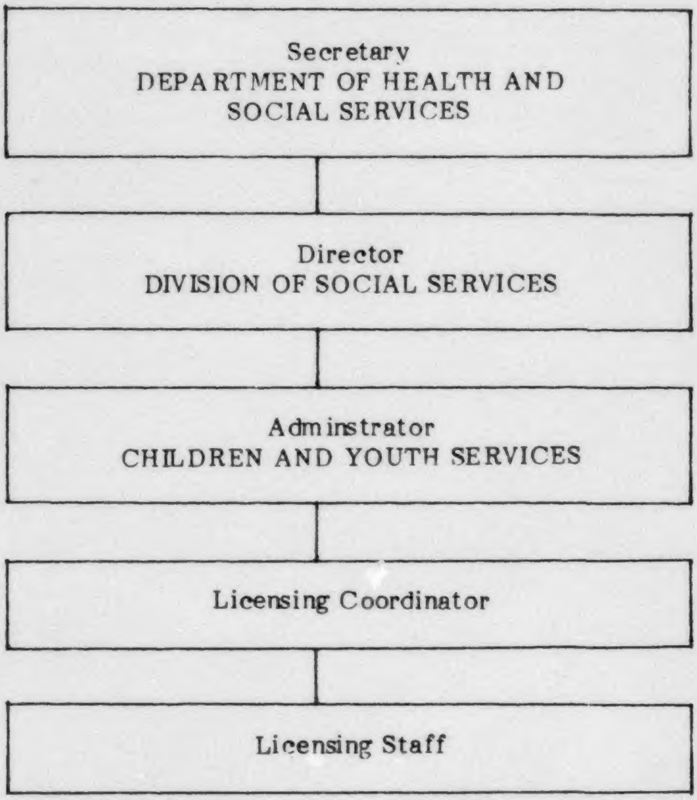
113. HHS Day Care Compliance

DEL. CODE ANN. tit. 31 Chapter 3 Licensing of Child Care Agencies and Boarding Homes.

Any facility receiving funding under Title XX must meet in addition Federal Interagency Day Care Requirements as amended by 45 C.F.R., Part 228, subsection 228.42.

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit


Secretary
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
Director
DIVISION OF SOCIAL SERVICES
Administrator
CHILDREN AND YOUTH SERVICES
Licensing Coordinator
Licensing Staff

Licenses are issued and revoked by state/central office staff, and the day to day monitoring functions are conducted by staff in three regions under the direct supervision of the state/central office, except in one region where the family day care home licensors work under regional supervision.

122. Responsible Official

All inquiries should be addressed to:

Licensing Coordinator
Children and Youth Services
Division of Social Services
Department of Health and Social Services
P.O. Box 309
Wilmington, Delaware 19899

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

DEL. CODE ANN. tit. 31 §342. Powers of Division with respect to boarding homes for children.

The Division of Social Services may prescribe reasonable standards for the conduct of such boarding home, institutions, agencies, associations or organizations and may license such of these as conform to such standards.

212. Advisory Body and Other Community Participation

Not specified

220. LICENSING PROCEDURE

221. Application and Issuance

Introduction - Statement of Policy.

Any person, except a relative who receives compensation for one or more children, under 18 years of age outside of the child's home must be licensed by the Divison of Social Services to provide this care.

Any person or organization desiring to provide day care for children begins by obtaining an application from the county office. If the care is provided in a private home, information will be requested concerning the family and members of the household, their relation to each other, their personal and professional qualifications for care of children, factual information concerning the physical aspects of the home, the financial plan, reference, etc.

Upon completion of a study that indicates all requirements have been met, a report is made to the Director of the Division of Social Services with the recommendation that a license be issued. The license is issued for a period covering one year providing the standards are maintained.

DEL. CODE ANN. tit. 31, §343 Boarding home licenses; investigation; requirements.

Any person conducting a boarding home for children and all such institutions, agencies, associations or organizations must obtain licenses annually from the Division of Social Services except, however, those institutions, agencies, associations, or organizations under state ownership and control and maternity wards of general hospitals. In the case of a person conducting a boarding home for children, such licenses shall not be issued to such person until the Division of Social Services had made a thorough investigation and has determined in accordance with reasonable standards:

> The good character of the person applying for the license;
>
> That the individual home meets the physical, social, moral, mental, educational and religious needs of the average child.

In the case of institutions, agencies, associations or organizations, before such license is issued, the Division of Social Services shall make a thorough investigation and favorably pass upon:

> The good character and intention of the applicant or applicants;

the present and prospective need of the service rendered;

The employment of capable, trained and experienced workers;

Sufficient financial backing to insure effective work;

The probability of the service being continued for a reasonable period of time;

Whether the methods used and the disposition made of the children served will be to their best interests and to that of society.

222. Fee Charged

Introduction - Statement of Policy.
No fee shall be charged for the licensing service.

223. Areas of Investigation

Introduction - Required Procedures for Obtaining a License.
If the care is provided in a community facility, church, or other institution, or in a place rented or owned by the operator of the facility which has been converted for the purpose of providing day care, information will be sought regarding the sponsorship, the character (personal and professional) qualifications of the owner, operator or director, the financial backing and arrangements, as well as the physical plant.

Upon receipt of the signed application for licensing, an accredited representative of the Division of Social Services will plan with the applicant for a discussion of the requirements and a field visit to inspect the facility.

Persons caring for children at the time that an application for license is made, may, at the discretion of the Division, continue with the children while the application is being studied and evaluated.

See also 221. Application and Issuance

224. License Renewal

Introduction - Statement of Policy.
No license shall expire due to default by the Division of Socal Services.

A license shall be good for one year provided the requirements are maintained.

Introduction - Required Procedure for Annual License - Renewal.
At least 90 days prior to relicensing, the Division must inform the Center of procedure and reports necessary for relicensing. At least thirty (30) days prior to relicensing, the Center must complete all procedures and submit all reports to the Division. At least ten (10) days prior to relicensing, a written report of the evaluations must be given to the center.

225. Conditional/Provisional Licenses

Not specified

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

DEL. CODE ANN. tit. 31, §342 Powers of Division with respect to boarding homes for children.

Any person or association conducting a boarding home for children and all institutions, agencies, associations, or organizations, receiving and placing or caring for dependent, neglected, or delinquent minors, including organizations providing care of children whether dependent or otherwise, in lieu of the care and supervision ordinarily provided by parents in their own homes, for periods of less than 24 hours a day, must accord the Division or its authorized agents, rights of entrance, privilege of inspection, and access to its accounts and reports.

232. Denial, Suspension, Revocation of a License

Introduction - Required Procedure for Revoking a License.

Failure to meet or maintain the requirements or to give proper care to the children shall constitute cause for refusal or revocation of license.

Written notification, stating the specific reason for refusal or revocation, shall be made by the Director of the Division of Social Services. An appeal in writing may be made to the Director within ten days. A hearing shall be held within thirty days and a written decision rendered within ten days of the hearing. Any further appeal shall be carried to the proper court having jurisdiction in such matters.

When a license is revoked, the operator shall be required to notify the parents, guardians, or other persons legally responsible for the children that the children must be removed within ten (10) days. Upon revocation, the centers are required to return their license to the Division of Social Services.

233. Remedies and Sanctions

233.1 Hearings

See 232. Denial, Suspension, Revocation of a License

233.2 Decisions

See 232. Denial, Suspension, Revocation of a License

233.3 Judicial Review

Introduction - Required Procedure for Revoking a License.
Any person continuing to operate after license has been refused or revoked shall be subject to court action as provided by Section 344 of the statute related to licensing.

DEL. CODE ANN. tit. 31, §344 Penalties for violations of subchapter.

Whoever violates a provision of this subchapter shall be fined not more than $100 or imprisoned not more than three months, or both.

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

Introduction - Required Procedures for Obtaining a License.
The Division requires all centers to display their license in a prominent place so that parents can see it.

Introduction - Required Procedures for Maintaining a License.
Changes must be reported to the Division of Social Services as they may have some bearing on the license.

Changes to be reported include:

- Change in name of licensee.
- Change in type of facility.
- Change in location of day care facility.
- Major alterations or changes in housing or in use of rooms prior to making such alterations or changes.
- Major changes in services offered, or in the schedule of operating hours - prior to making such changes.
- Changes in the schedule of fees.
- Any incidents of fire.
- Death or serious injury or any child while in the day care facility.
- Decision to terminate services.
- Communicable diseases.

Expansion of the center must be approved by the Division of Social Services and a new license issued for the appropriate capacity.

Section I - Minimum Requirements for Licensing - Personnel.

There shall be a person in charge responsible for the administration of the center. This person shall be an adult of good character and reputation with sufficient physical ability and emotional stability to provide and/or supervise the care of the group of children. The person in charge must have sufficient administrative capacity to maintain efficient operation of the day care center. In the absence of the person in charge, there shall be designated someone capable of carrying these responsibilities.

At least two staff members, one of which is always on duty, should have completed First Aid Training at least equivalent to the American Red Cross Basic Training Course within the last five years. The center should always have available at least 2 copies of a first aid manual approved by the center's physician.

Introduction - Legal Basis for Division.
A person or association conducting a boarding home for children and all institutions, agencies, associations, or organizations, caring for dependent, neglected and delinquent children shall make reports at such time as is required by the Division, as to conditions of such boarding home, institution, agency, association, or organization, the manner and way in which children are taken care of, former addresses and such other information as will show the social status of the child, how and to whom dismissed, the extent and source of its income, the cost of maintenance, and such other reasonable information as will enable the Division to promote the general welfare of the children and to work out a general program for their care and protection.

312. Telephone

Section I - Minimum Requirements for Licensing - Physical Facilities.
There shall be at least one (1) telephone in the center that is neither a pay station nor locked while the center is in operation.

313. Proof of Operator Financial Capabilities

See 311. General Administrative Requirements

314. Insurance

Section I - Minimum Requirements for Licensing - Reports.
There must be consultation with a licensed insurance agent. Insurance carried must include liability coverages. Insurance also should include but is not limited to workmen's compensation, fire, and furnace coverage.

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Section I - Minimum Requirements for Licensing - Civil Rights.

Title VI of the Civil Rights Act of 1964 requires that service in programs licensed by the Division of Social Services are used and available without discrimination on the basis of race, color or national origin.

340. RECORDS REQUIREMENTS

341. Children

Section I - Minimum Requirements for Licensing - Reports.

There shall be maintained a record for each child cared for which shall include:

Name and birthdate.

Full names of both parents or guardians or responsible relatives.

Home addresses of parents, guardians or responsible relatives.

Work addresses and telephone numbers of parents, guardians or responsible relatives.

Name, address and telephone number of the family physician.

Name, address and telephone number of the person to be notified in case of an emergency when parents cannot be reached.

Written consent of parents to contact the family physician, or a physician attached to the day care center in case of an emergency.

See also 712. Health Assessments

342. Staff

Introduction - Required Procedures for Obtaining a License.

All persons who are expected to come in contact with the children cared for are required to submit a written statement from a competent physician certifying that they are free from illness or disease that might be detrimental to the welfare of the children.

Section I - Minimum Requirements for Licensing - Reports.

There shall be maintained a record for each employee and volunteer worker which shall include name, address, age, training, education, experience and other qualifications, report of physical examination at time of employment and subsequent annual examinations, and initial and terminal service dates.

343. Child Eligibility and Enrollment Requirements

Section I - Minimum Requirements for Licensing - Social Services.

Centers will designate a person responsible for initial admission decision. This person will review with the parent or guardian whether the day care program at the center is appropriate for the child. This decision will be reviewed by this person at least annually.

The parent or guardian shall be informed at intake that the center is licensed by the Division and that any dissatisfaction regarding the care of children receive which cannot be resolved at the center may be brought to the attention of the Division.

See also 712. Health Assessments

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

Introduction - Statement of Policy.
All information obtained by the Division of Social Services shall be held confidential. However, the Division may publish lists of facilities licensed by them.

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

Section I - Minimum Requirements for Licensing - Personnel.
All groups during period of the educational program must be led by a teacher. Each group must have, in addition to the adult who must always be with it, an additional staff member immediately available within less than one minute.

The staff ratios for each age group in the tables below are required:

Age of Child	Child/Staff Ratio
0 to 1 year (or walking)	5 - 1
1 year (or walking) to 2 1/2 years	8 - 1
2 1/2 years to 4 years	15 - 1
4 years to 6 years	20 - 1
6 years to 18 years	25 - 1

412. Methods of Computing Staff/Child Ratios

Section I - Minimum Requirements for Licensing - Personnel.
Maximum group sizes for the various ages of children are given in the table. Staff ratio will be determined by the predominant age of the children in the

group. Ordinarily children will be cared for in groups of children of their own age, but developmental age may determine the grouping, allowing flexible placement of the exceptional child at the discretion of the director. Some latitude in age in placement in groups is reasonable if the center's program aims to enrich the experiences of children by association with those of other ages for limited periods of time.

Where less than 5 infants are cared for in a facility, older children up to 2 1/2 years may be included with the infants; in no case should the child:staff ratio exceed 5:1.

Wherever more than 5 infants are cared for, an additional staff member must be assigned for any number in excess of a multiple of 5, thus for 6 - 10 children, 2 staff members; 11 - 15 children, 3 staff members.

420. GROUP SIZE

421. Group Size as of March, 1981

See 412. Methods of Computing Staff/Child Ratios

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

Section I - Minimum Requirements for Licensing - Personnel.
Teachers must be at least 18 years of age, and aides must be at least 14 years old and reliable.

512. Health

Section I - Minimum Requirements for Licensing - Personnel.

All staff members, whether paid or regular volunteers:

> Shall be emotionally and physically able to care for children and shall submit required personal information and character references.

All paid and regular volunteer members of the staff shall submit evidence of:

> A physician's certificate based on examination stating they are free from illness or disease which might be detrimental to the welfare of children. This examination must precede service or employment and reoccur annually.
>
> A tuberculin skin test and/or chest x-ray showing freedom from active tuberculosis prior to service or employment. Future tests are required only if there is exposure to tuberculosis or individuals with symptoms of tuberculosis.

513. Education

Section I - Minimum Requirements for Licensing - Personnel.

Teachers must be high school graduates (or have an equivalence certificate) and have at least 1 year's employment experience working with children of this age group. They must have successfully completed at least 2 courses in early childhood development or education, preferably one of which involved direct contact with children of this age group. The equivalent of the formal course training requirement may be acquired by on-the-job training consisting of 60 hours of seminars, staff conferences, and assigned reading. If a teacher has successfully completed a 4-year college course in early childhood development or education, that teacher must have had 3 months full-time employment experience with children of this age group which may include full-time student teaching.

514. Experience

Section I - Minimum Requirements for Licensing - Personnel.

All staff members, whether paid or regular volunteers:

Should have a genuine interest in, and a warm feeling for, children. They should have a sympathetic, intelligent understanding of the needs of children and their development.

See also 513. Education

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

Section I - Minimum Requirements for Licensing - Personnel.

The Director, Head Teacher or Program Director must be at least 21 years old.

522. Health

See 512. Health

523. Education

Section I - Minimum Requirements for Licensing - Personnel.

The Director, Head Teacher or Program Director must:

Hold a four-year college degree in early childhood development or its equivalent and have one year of practical experience, or

In the absence of a college degree, be a high school graduate, have some formal training in early childhood developmental or its equivalent, have three years practical experience in day care, and be at least 21 years old, or, If the director, who must be a high school graduate ... , is not qualified in the field of early childhood development, an educational supervisor or consultant must be available at least one-half day each week to plan and direct the children's program, to supervise the teachers in their work and to plan and carry out staff development activities for the teachers. When the director or head teacher meets requirements (1) or (2) above, the services of an Educational Supervisor are no longer required.

524. Experience

See 523. Education

530. SUPPORT STAFF QUALIFICATIONS

Section I - Minimum Requirements for Licensing - Personnel.
The educational supervisor should be a graduate of an accredited college with work in child development or early childhood education. The educational supervisor must have had 2 or more years' experience teaching pre-school children. If an educational supervisor with these qualifications is not available, one having the above educational qualifications and at least 6 months' teaching experience may be employed on a one-year interim basis, at which time full compliance is required. The educational supervisor must know how to plan and direct the activities of a group of teachers, be capable of evaluating their performance and give the kind of help that will enable them to increase their skills. The educational supervisor must understand the overall goals of the center, the role of the teacher, and their implication in the daily activities of the children. The educational supervisor should have maturity, objectivity, and the ability to relate to many different kinds of people.

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

Section I - Minimum Requirements for Licensing - Care of Children.
The day care center shall prepare and carry out at least a simple planned written program which is flexible and suitable to the needs of the children being served. The written program shall include a daily schedule which:

Provides for intervals of active play and quiet play or rest.

Provides for both small group and individual play.

Includes outdoor play each day, except when severeness of weather could create a health hazard (or when there is an individual reason for a child to remain indoors - at the decision of the director).

Includes the following program areas in some form such as: music, books, art (crayons and paper, scissors, paste, easel paint, finger paint, clay, playdoughs), science, doll corner, or dress-up play, blocks, water, table activities (puzzles, tinker toys, building bricks, Lincoln Logs, pegboards), outdoor activities (swings, jungle-gyms, sliding boards, tricycles).

612. Program Equipment and Materials

Not specified

613. Nap Provision

Section I - Minimum Requirements for Licensing - Physical Facilities.
Sleeping space shall be provided for all children of pre-school age.

There shall be individual cribs, cots, beds, or approved sleeping mats provided with individual bedding sufficient to maintain warmth. These sleeping provisions must be placed at least 1 1/2 feet apart. Parents may be asked to supply bedding.

Children shall not use beds of members of the household.

614. Discipline and Guidance

Section I - Minimum Requirements for Licensing - Care of Children.
Discipline, child care, and child guidance shall be handled with kindness and understanding within a program so planned as to minimize the need for punishment or severe discipline. No child shall be:

> Subjected to cruel, harsh, humiliating, petty, severe or provocative treatment.
>
> Subjected to verbal abuse, threats, or derogatory remarks about him or his family.
>
> Deprived of meals or any part of meals as punishment.

Disciplinary measures shall be designed and administered in such a way as to help the individual child develop self control and to assume responsibility for his own acts. To accomplish this the center shall:

> Establish simple and understandable rules, for both children and staff, that set the limits of behavior required for the protection of the group and individuals within the group.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Not specified

712. Health Assessments

Section I - Minimum Requirements for Licensing - Care of Children.
Every child shall have a health examination by a licensed physician before admission, or within 3 days in case of emergency admission. This examination shall be repeated annually. The examiner shall certify that the child is free from communicable diseases, including tuberculosis, or other conditions hazardous or potentially hazardous to the welfare of other children. A report of these examinations shall be kept on file by the operator of the nursery or day care center.

In case of after-school care, a copy of the health records from the public school in the center's file is sufficient.

713. Immunizations

Section I - Minimum Requirements for Licensing - Care of Children.
Each child prior to admission must show evidence of all appropriate immunizations, either complete, or in process.

714. Sanitation

Section I - Minimum Requirements for Licensing - Physical Facilities.
All aspects of sanitation are subject to the Division of Public Health regulations.

Good housekeeping standards shall be maintained throughout the center.

Regulations Governing Day Care Centers § 52.202 Building.
All surfaces must be of smooth, durable and cleanable material. Carpeting or floor covering, if used, must be in good repair and kept clean.

Regulations Governing Day Care Centers § 542.301 Water Supply.
Single service cups - A supply of paper or plastic cups stored in a suitable dispenser are to be accessible. Cups must be discarded after each use.

OR

An approved drinking fountain (angle-jet mouth-guard type with anti-squirt device and jet, should not rise more than 4" vertically, nor its arc extend more than 10" horizontally from orifice.)

Regulations Governing Day Care Centers § 52.303 Plumbing.
The system shall conform to the requirements of the local plumbing code.

715. Daily Illness Screening

Section I - Minimum Requirements for Licensing - Care of Children.
Each child shall be examined daily by a person capable of recognizing common signs of communicable disease or other evidences of ill health.

716. Care of Sick Children

Section I - Minimum Requirements for Licensing - Care of Children.
Each day care center must have definite and specific arrangements with a licensed physician who will agree to provide both advice in areas of daily health maintenance as well as services in case of emergency.

Upon detection of disease, provision shall be made for an area suitable for temporary isolation of ill children within the sight and hearing or an adult. Parents or other responsible relatives shall be notified immediately or their designated family physician called if there is evidence of illness that means the child cannot participate in the program and should be taken home for proper care. Written permission must be procured from parents to call the family physician or to refer the child for medical care in a hospital in case of an accident or an emergency. Treatment or medication shall be given to a child only on the basis of a physician's order, except first aid.

Where children have become ill during the day, they should be discharged to the care of their parents as promptly as possible. Where it seems advisable, parents should be instructed to consult their own doctor or referral made to appropriate sources or medical help. Where parents are not available for notification of illness, the day care center shall call a physician, preferably the family physician, should the situation seem to warrant it.

A child who has been absent five days or more due to illness or injury shall not be readmitted except with a physician's statement tht he is in a satisfactory physical condition to rejoin the group. For those who are ill due to communicable disease, the parent or guardian must on their return, furnish a written statement that he is now free from said disease.

717. Medication and Special Diet Provisions

Section I - Minimum Requirements for Licensing - Care of Children.
Treatment or medication shall be given to a child only on the basis of a physician's order except for first aid.

718. Waiver of Health Requirements

Not specified

720. SAFETY

721. General Safety Requirements

Regulations Governing Day Care Centers § 52.202 Building.
No surfaces containing lead paint shall be accessible to the children.

722. Fire Safety Requirements

Section I - Minimum Requirements for Licensing - Physical Facilities.
Each floor of a nursery or day care center shall be equipped with fire extinguishers as recommended by the Fire Marshall.

Regulations Governing Day Care Centers § 52.402 Flammable Products.
All products that are classified as flammable by the State Fire Marshal's Office shall not be stored in the same building that is used as a center.

723. Transportation

Not specified

724. Safety Requirements for Equipment

Section I - Minimum Requirements for Licensing - Care of Children.
Equipment used for or by the children shall have no sharp edges, no splinters and must be sturdily built. Large equipment must be stable and free of poisonous (lead base) paint and other characteristics which will be physically harmful to children.

Any item used which might be potentially dangerous to children (such as heating appliance or sharp knives) must be used only under close adult supervision. When the activity in which the item is used is finished, the item must be put out or reach of children.

725. Water Activities (Including Swimming)

Regulations Governing Day Care Centers § 52.312 Swimming Facilities.
Swimming pools are to meet the State Board of Health Regulations governing swimming pools.

No permanent wading pools shall be permitted. Only small inflatable wading pools under close, constant supervision, shall be used. The water temperature shall not be less than 60°F. Pools shall be emptied and cleaned every three hours during the time of use.

726. Emergency Procedures

Not specified

727. First Aid Supplies

Section I - Minimum Requirements for Licensing - Care of Children.
There should be readily available out of the reach of children sufficient approved first aid kits.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

Section I - Minimum Requirements for Licensing - Care of Children.
For all children in the nursery or day care center for a period of 8 hours, a minimum of three feedings shall be furnished.

Meals shall be planned to provide a minimum of 2/3 of the child's total daily requirements as set forth by the Food and Nutrition Board of the National Research Council.

Consultation with a trained nutritionist is required at least annually by the Division for licensing.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

Section I - Minimum Requirements for Licensing - Physical Facilities.
Food preparation facilities shall be kept in a sanitary condition and proper, adequate space shall be provided for preparing, storing (including refrigeration of perishable foods) and serving.

Regulations Governing Day Care Centers § 52.305 Food Service.
All food in the center shall be from souces approved or considered satisfactory by the health authority, and shall be clean wholesome, free from spoilage, free from adulteration and misbranding, and safe for human consumption.

All off-site food services used by the center must be approved by the Division of Public Health.

All eating and drinking utensils shall be thoroughly cleaned and sanitized after each usage, and stored in a clean place. Cooking surfaces of equipment shall be cleaned at least once a day.

900. SOCIAL SERVICES

Section I - Minimum Requirements for Licensing - Social Services.
In the event of problems with the child or in the family, the center must be prepared to refer the family to the appropriate social agency.

1000. PARENT PARTICIPATION

Section I - Minimum Requirements for Licensing - Social Services.
Centers will designate qualified personnel to render periodic verbal or written reports on the child's progress to the parent or guardian and be prepared to deal constructively with problems.

Opportunities must be provided for interested parents to assist in the center's program on a volunterr basis or to visit the center and observe at any time convenient to the parents.

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Section I - Minimum Requirements for Licensing - Care of Children.
An infant is defined as a child under the age of 12 months and/or unable to walk.

The general Day Care Regulations shall apply to the day care for infants except where specifically altered by these regulations for infant day care. In this care, the infant day care regulations shall take precedence.

Staff, both paid and volunteer, shall be assigned exclusively to infant care and should have no other duties in a facility housing older children. At least one person over the age of 18 must be in charge of infant groups at all times.

All staff members including volunteers must be at least 16 years of age, and shall have experience and/or training in the care of infants.

Playpens or approved mats shall be provided to ensure that all infants above the age of 3 months may spend part of time day outside of the crib.

1120. HEALTH AND SAFETY REQUIREMENTS

Section I - Minimum Requirements for Licensing - Care of Children.
A physician, or emergency medical services, must be available during the entire period of day care.

A public health nurse must be requested to visit the center on a weekly basis, and more frequently if necessary, for consultation with the staff responsible for infant care.

This requirement may be waived where a registered nurse is a full-time or part-time member of the center staff on a regular basis.

A sufficient supply of crib linen shall be maintained to assure change of linen as often as dictated by soiling.

Each infant's indoor clothing, diapers, toilet articles, medications, etc., shall be kept in individual crib-side stands, lockers or other receptacles, and out of reach of children.

All requirements of the Division of Public Health with regard to infant care must be met.

Infants found to be ill must be isolated and cared for by a single attendant until the infant can be removed from the center.

A written and rehearsed plan of evacuation in the event of fire or other emergency must be developed and instructions in same must be given to the staff. Regular drills by the staff and the children in this procedure shall be held at least once a month.

Infants shall be housed on the ground floor.

1130. INFANT NUTRITION

Section I - Minimum Requirements for Licensing - Care of Children.
Staff should follow a physician's or parent's prescription for formula and feeding of solid foods to infants.

For all children in the nursery or day care center for a period of 8 hours, a minimum of three feedings shall be furnished.

Meals shall be planned to provide a minimum of 2/3 of the child's total daily requirements as set forth by the Food and Nutrition Board of the National Research Council.

Consultation with a trained nutritionist is required at least annually by the Division for licensing.

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Section I - Minimum Requirements for Licensing - Care of Children.
Children who are 6 years old or over may be cared for in day care centers. Any center that admits these older children shall provide separate, appropriate facilities and programs for them if their presence reduces the effectiveness of the program for the younger children.

Children who spend periods at the center shall be supervised in constructive activities to avoid interferences with younger children.

Children who have lunch at the center may be served with the younger children if their presence is compatible with the dav care center program.

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

Section I - Minimum Requirements for Licensing - Physical Facilities.
Day care of children shall not be provided in the same location as a convalescent or maternity home or in conjunction with a rooming house or boarding house for adults.

Space designated for use by children in day care shall be available only for the children at the time the facility is open for their care.

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Square footage: A minimum of thirty-five (35) square feet or usable floor space shall be provided for each child, exclusive of corridors, kitchens, bathrooms, offices, isolation rooms, storage space, and permanent sleeping space. Minimum space may include area occupied by non-fixed children's chairs, tables, and play equipment.

Regulations Governing Day Care Centers § 52.203 Area.
An area of at least thirty-five (35) square feet of floor space shall be provided for each child. Corridors, kitchens, bathrooms, isolation rooms, offices, permanent sleeping space, outside play area and storage area shall be excluded in computing this area.

Regulation Governing Day Centers § 52.204 Sleeping Space.
Sleeping space is to include the following:

> Individual cribs, beds, cots or suitable sleeping mats of sufficient size so that the child may be in a fully extended position. Mats and mattresses are to be covered with a non-absorbent washable material and sanitized at frequent intervals. Cots and cribs are to be of cleanable construction and in good repair. Household members' beds and furniture may not be used for day care center use and household use also.
>
> Sufficient individual clean bedding shall be provided and laundered as frequently as needed to keep them clean.
>
> The minimum spacing between beds, cribs, cots or mats shall be 1 1/2 feet on all sides.

Regulations Governing Day Care Centers § 52.205 Isolation Area.
This area is to be of cleanable construction, separated from the other part of the center and have no alternate use involving food storage or handling.

Regulations Governing Day Care Centers § 52.207 Outdoor Play Area.
All parts of the area shall be visible from the center of the play area and be easily supervised. There shall also be provisions made for both sunny and shady areas; this can be in the form of an awning. The area shall (1) have a minimum of 50 square feet per child; (2) be free from items that are not healthful to children; and (3) be fenced.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

Regulations Governing Day Care Centers § 52.202 Building.
Any rooms that are used by the children shall be dry and have adequate light, heat and ventilation.

Regulation Governing Day Care Centers § 52.308 Lighting.
A combined natural and artificial light is to be provided to give an illumination of at least 20-foot candles of light on all working surfaces. At lest 5-foot candles of light at a distance 30 inches from the floor shall be required in all other areas. Glare shall be kept at a minimum by using shades on windows and lamps.

Regulations Governing Day Care Centers § 52.209 Ventilation.
All rooms shall be well ventilated. The total window area of each room used for play activities shall be not less than 10% of the floor area with one-half of the window area to be openable unless adequate ventilation is provided in another form.

Regulations Governing Day Care Centers § 52.313 Heat.
Heat is to be adequate to maintain an even temperature of between 68° and 70°F. at floor level when the outside temperature if 0°F.

1430. EXITS

Section I - Minimum Requirements for Licensing - Physical Facilities.

Only areas having at least 2 exits to the ground level shall be used for children. Basement rooms entirely below ground level may be used only for play periods and not for resting or sleeping. Exceptions may be made only with approval from the Building and Fire Inspectors.

1440. TOILETS AND LAVATORIES

Regulations Governing Day Care Centers § 52.208 - Toilet and Handwashing Facilities.

Toilet rooms are to be provided inside the building and equipped with one (1) flush toilet and one (1) washbowl for each fifteen (15) or a fraction of that number that are using the facilities. The washbowl is to be equipped with hot (less than 110° F.) and cold water under pressure, and is not be to equipped with drain stoppers.

These facilities are to be on the same floor as the inside play area.

Nursery seats and steps or platforms shall be provided for the use of small children if child-sized toilets and wash basins are not available.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Section I - Minimum Requirements for Licensing - Physical Facilities.
All state and local health and safety regulations shall be met. This includes written certification from the appropriate authorities regarding fire inspection, safety inspection, sanitation, conformance with plumbing, building, zoning, and housing codes, including the approval of water and sewage systems.

1520. FIRE

Introduction - Required Procedures for Obtaining a License.
The Fire Department, Building Inspector, and the Division of Public Health are requested to visit in order to ascertain that the facilities conform to all State and local health and safety regulations. Forms are provided by the Division of Social Services to these agencies for submittal of their reports.

1530. BUILDING

See also 1510. ZONING

1540. HEALTH

See 1510. ZONING

1550. SANITATION

See 1510. ZONING

1560. NEW CONSTRUCTION

See 1510. ZONING

Except where otherwise noted, all citations are to the District of Columbia Regulation No. 74 - 34, Rules and Regulations - Child Development Facilities Regulation, December, 1974.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

Section 103.
Child Development Facility: location where a child development program is provided for infants or children away from home for less than 24 hours per day for each infant or child. Such facility may be known as a child development center, child development home, or infant care center, but does not include a public or private elementary or secondary school engaged in legally required educational and related functions.

Child Development Center: a child development facility for more than 5 children or infants, which provides a full day (more than 4 but less than 24 hours per day), part day (up to 4 hours per day) or before and after school child development program, including such programs provided during school vacations.

Child Development Home: a child development program provided in a private residence for up to a total of 5 children and infants, with no more than 2 infants in the group. The total of 5 children and infants shall include those of the caregiver.

112. Exclusions and Exemptions

Section 102.

This regulation shall not apply to:

occasional babysitting in the babysitter's home for infants or children of one family.

informal parent-supervised neighborhood playgroups.

care furnished in places of worship during religious services.

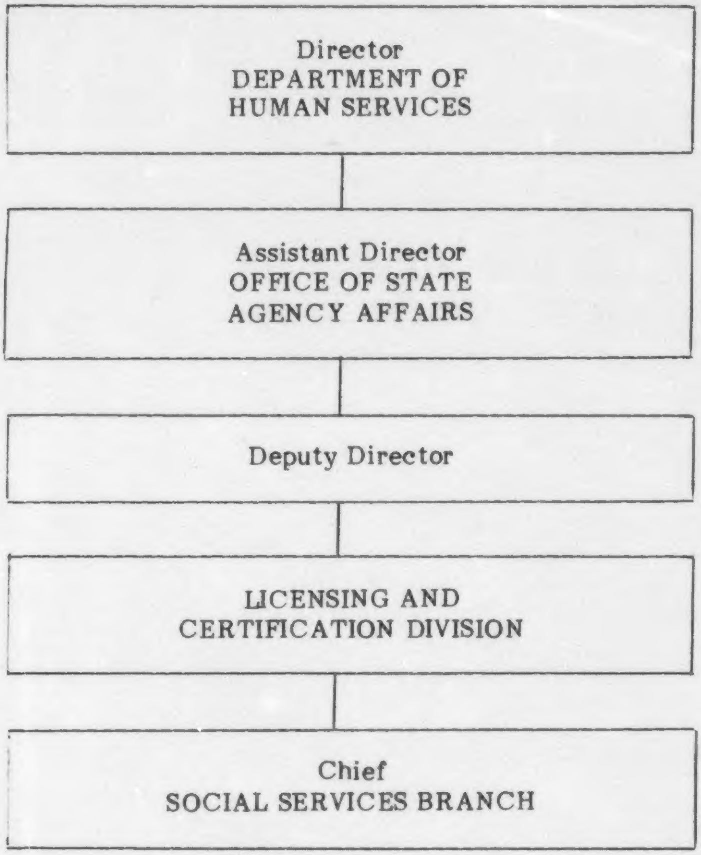
child development centers providing only a before or after school child development program.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit


Director
DEPARTMENT OF HUMAN SERVICES
Assistant Director
OFFICE OF STATE AGENCY AFFAIRS
Deputy Director
LICENSING AND CERTIFICATION DIVISION
Chief
SOCIAL SERVICES BRANCH

All licenses are issued and revoked from the central office.

122. Responsible Official

All inquiries should be addressed to:

Chief - Social Services Branch
Licensing and Certification Division
Office of State Agency Affairs
Department of Human Services
1406 L Street, N.W., 2nd Floor
Washington, D.C. 20005
(202) 727-0672

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

Not specified

212. Advisory Body and Other Community Participation

Section 501

There shall be established by the District of Columbia Council an Advisory Commission on Child Development Facilities which shall review for and propose to the District of Columbia Council regulations related to child development facilities in the District.

Section 502

The Advisory Commission on Child Development shall have twelve members, appointed by the Chairman of the District of Columbia Council. Three members of the Commission shall be operators of licensed child development facilities in the District. Six members of the Commission shall be parents of infants or children enrolled in child development facilities in the District. One member shall be a specialist in early childhood education. Two members shall be District residents who have demonstrated an interest in child development programs. A representative from the District Department of Human Resources, the District Department of Recreation and the District public schools shall participate as ex-officio non-voting members in the deliberations of the Commission.

220. LICENSING PROCEDURE

221. Application and Issuance

Section 203 Application for License.
Any person proposing to operate a child development facility in the District shall, prior to the commencement of operation, make application to the Commissioner for a child development facility license. The application shall contain the following information, all of which shall be a matter of public record available for inspection upon request during regular business hours:

> The name, age, address and occupation of the person making application or in the case of a corporation or association, the names, ages, addresses, and occupations of the officers and directors thereof.
>
> The name, age, address and occupation of the individual designated by the applicant as the director of the child development facility and any additional information concerning that individual which the Commissioner may require.
>
> The address of the premises which are to constitute the child development facility, together with a description of all structures and facilities forming a part thereof in such detail as the Commissioner may require.
>
> The name by which the facility is to be known.
>
> The name and address of the owner of the building or buildings in which the child development facility is located.
>
> The number of hours per day of child development programs to be offered and the age groups of the infants or children to be served.

A program statement describing the programs and services to be provided including contractual and staff resources. All contractual services to be provided shall comply with the requirements of this regulation, and with all other applicable District laws and regulations.

Proof that the premises are in conformity with all applicable Federal and District health, fire, safety, and zoning regulations, and building codes, and that any necessary permits for occupancy have been issued by the appropriate authorities and are in full force.

Other reasonable information which the Commissioner may require in order to permit him to ascertain whether the applicant is in a position to operate a child development facility in conformity with the provisions of this regulation.

An applicant for a child development facility license shall sign the license application and shall affirm that all statements therein are true. The applicant's signature shall be in the case of an individual that of the individual, in the case of a partnership that of all partners, and in the case of a corporation that of two of the officers thereof, one of whom shall be the president.

Each applicant shall inform the Commissioner within 10 business days of any change in the facts stated in the license application.

Section 204 Issuance of License and Notification of Change in Circumstance.

The Commissioner shall issue a license after having determined that the representations made in the application are correct and sufficient to show that the applicant has complied with the requirements of this regulation.

A license issued by the Commissioner shall expire one year from the date of issuance.

The licensee of a child development facility shall inform the Commissioner of any change in the operation, program, or services of a child development facility of a degree or character which may affect its licensure.

222. Fee Charged

Section 202 Fees.
The Commissioner shall fix, and may adjust from time to time, child development facility license fees.

223. Areas of Investigation

Not specified

224. License Renewal

Section 205 License Denial, Renewal, Suspension and Revocation.
Application for renewal of a child development facility license shall be submitted to the Commissioner on a form provided by him not later than ninety days prior to the expiration date of this license. Notwithstanding anv other provision of this regulaton, a child development facility holding a valid license at the date of application for renewal of such license may continue in operation until the Commissioner has taken action on the renewal application.

The Commissioner shall be required to renew a child development facility license when he has determined that the licensee has complied with the provisions of this regulation.

225. Conditional/Provisional Licenses

Not specified

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

Section 302 Right of Entry, Inspection and Subpoena Powers.
The Commissioner and any other duly authorized official of the District having jurisdiction over, or responsibilities pertaining to any child development facility, after presenting official credentials of identification and authority issued by the District, shall have the right either with or without prior notice to enter upon and into the premises of any child development facility licensed pursuant to this regulation or for which an application for license has been made, in order to determine compliance and to facilitate verification of information submitted on or in connection with an application for licensure pursuant to provision of this regulation.

232. Denial, Suspension, Revocation of a License

Section 205 License Denial, Renewal, Suspension and Revocation.
The Commissioner shall be required, after providing notice and opportunity for hearing, to deny, refuse to renew, or to suspend or revoke any license if he finds any of the following:

> A failure to comply with the provisions of this regulation.
>
> A failure to comply with any other Federal or District law or regulation applicable to child development facilities.
>
> That any licensee, or person in charge of the facility, has committed, aided, abetted, or permitted to be committed, any acts of dishonesty, fraud, gross negligence, abuse, assault, battery or other illegal acts in the operation of the facility.

The Commissioner shall suspend a license whenever he finds that the failure of a child development facility to comply with any provision of this regulation or with any other Federal or District law or regulation applicable to such facility is of such a serious nature and magnitude that there is an imminent danger to the health, safety or welfare of the infants or children. Such suspension shall continue until the Commissioner has determined that the imminent danger has been corrected.

If the Commissioner finds that the immediate interests of the infants or children in a child development facility would be best served by affording such facility an opportunity to correct a condition which would otherwise constitute a basis for suspension, revocation of or refusal to renew a license under subsection (c) of this section, he may afford the licensee the opportunity to correct the violation within 30 days after receipt of a notice to correct.

When a licensee has been cited for a violation of this or other applicable regulation relating to the condition of the building or property in which the child development facility is located, and when such building or property is owned by someone other than the licensee, the Commissioner may request that the licensee and the owner of the building or property meet with the Commissioner for the purpose of settling any dispute regarding the correction of such violation.

233. Remedies and Sanctions

233.1 Hearings

Section 206 Hearings.

When the Commissioner proposes to deny issuance of a license or to suspend or revoke a license issued pursuant to this regulation for failure to comply with or for a violation of this regulation, he shall first issue a notice to the applicant or licensee, specifying the violation and reasons for the proposed action. Such notice shall also inform the applicant or licensee that he has five days from the date of service of the notice in which to request a hearing. If no hearing is requested, the Commissioner may then deny, suspend or revoke the license. In each case the Commissioner shall maintain an official record, shall serve upon the applicant or the licensee a proposed decision including findings of fact and conclusions of law and shall render the final decision in writing to the applicant or licensee accompanied by findings of fact and conclusions of law. Each case shall be determined in accordance with the provisions of the District of Columbia Administrative Procedure Act.

Upon suspension of a license, the Commissioner shall immediately notify the licensee that the licensee may, within 24 hours following the suspension, request a hearing. Such hearing shall be conducted by the Commissioner within two calendar days following receipt of the request.

233.2 Decisions
See 233.1 Hearings

233.3 Judicial Review
Not specified

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

Section 401 Child Development Centers.
Child development centers shall require a director who is physically present during the week for at least one-third of the time the children are at the center.

The director shall be responsible for the supervision and administration of the child development center, including:

Selection of qualified staff and supervision of that staff to insure that a child development program is provided.

Compliance with health requirements and maintenance of records required by this regulation.

Compliance with applicable District codes and regulations.

Designation of a teacher to be responsible in the absence of the director.

The duties of a teacher shall include but not be limited to the following:

Initiating daily activities related to the child development program.
Maintaining an attractive, clean room.
Supervising the assistant teacher, when assigned.

The duties of an assistant teacher shall include but not be limited to the following:

Assisting the teacher and participating in the planning of the daily program.

In the absence of the teacher, assuming responsibility for the children in the group.

Aides shall assist the teachers and assistant teachers as directed.

312. Telephone

Section 405 Physical Requirements of the Facilities.
All child development facilities shall be equipped with at least one non-coin operated telephone for use by staff in emergencies and readily accessible during the hours of operation of such facility.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Not specified

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS

341. Children

Section 404 Recordkeeping.
The following records shall be maintained for 3 years by the caregiver or director of a child development facility and shall be forwarded to or made available to the Commissioner for inspection as described:

Register. Information on where parents or guardians of each infant or child may be reached at all times shall be accurate and current. The register shall contain the following information:

- Infant's or child's name in full
- Date of admission
- Sex
- Birthdate
- Home address
- Home telephone number
- Parents' names in full
- Parents' business addresses
- Parents' telephone numbers
- Designation of individuals authorized to receive infant or child at end of session
- Name of individual to be contacted in an emergency when parent is not available
- Date of child's withdrawal
- Reason for withdrawal

Infant's or child's health record. A health record shall be maintained for each infant or child enrolled in a child development facility which shall contain the following information:

- Infant's or child's name in full
- Sex
- Birthdate
- Home address
- Date of examination
- Physician's opinion concerning general physical condition of infant or child
- History of illnesses and diseases including allergies and specific communicable diseases
- Recent exposure to communicable diseases
- Specific immunizations received, with dates
- Result of tuberculin testing

Correctable defects, recommendations and other remarks of examining physician
Physician's signature
Physician's address and phone number
Parents' health insurance information
Parent's signed authorization for treatment of infant or child in an emergency

342. Staff

Section 404 Recordkeeping.

Employee record. A record containing the following information shall be maintained by the child development facility for each of its employees.

Name and address of employing facility
Employee's name in full
Sex
Birthdate
Home address
Title of position
Duties
Qualifications (attach copy of curriculum vitae)
Date of appointment to present position
Date of health exam
Employee's health record including physician's opinion concerning employee's general physical condition, freedom from disease in a communicable form and ability to work closely with or care for infants or children without danger to such infants or children; date of chest x-rays; when indicated, date of laboratory tests for communicable disease; physician's signature, address and telephone number; and health insurance information.

Employee appointment, promotion or withdrawal notification. A record of personnel actions shall be maintained by the child development facility which shall contain the following information:

Name and address of employing facility
Employee's name in full
Date of promotion to or withdrawal from present position
Name of staff member being replaced, if applicable
Reason for withdrawal
Signature of employee
Signature of employer

343. Child Eligibility and Enrollment Requirements

Section 403 Health Requirements.
No infant or child shall be admitted to a child development facility without having first obtained a complete health examination by a licensed physician. The results of such examination shall be submitted to the caregiver or director of the child development facility on a form approved by the Commissioner.

No infant or child shall be admitted to a child development facility without having first obtained all immunizations appropriate to the age of such infant or child, as required by the District Department of Human Resources.

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

Section 405 Child Development Centers.
The size of any one group of children shall not exceed that specified below for each age group. There shall be a teacher, who may also be the director, and an assistant teacher or aide for each group at all times, except that in part-day programs (up to 4 hours per day), a volunteer may be substituted for an assistant teacher or aide, and during non-peak hours (before 8:30 a.m. and after 4:30 p.m.) an assistant teacher may substitute for a teacher.

Age	Maximum size of group	Child-adult ratio
2 years to 2 1/2 years	8	4 to 1
2 1/2 years through 3 years	16	8 to 1
4 years	20	10 to 1
5 years	25	15 to 1
6 years through 14 years	30	15 to 1

412. Methods of Computing Staff/Child Ratios

Section 405 Child Development Centers.
When children of different ages are placed in one group, the ratio shall be adjusted, subject to the approval of the Commissioner, so as to protect the welfare of the younger children in the group. A change in child-adult ratios shall be made only with the approval of the Commissioner when he finds that such change will not result in decreasing the effectiveness of the child development program.

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420. GROUP SIZE

421. Group Size as of March, 1981

See 411. Staff/Child Ratios as of March, 1981

422. Methods of Computing Group Size

See 411. Staff/Child Ratios as of March, 1981

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

Section 401 Child Development Homes.
Each child development home shall have at least one caregiver who shall be between 18 and 70 years of age.

512. Health

Section 403 Health Requirements.
Staff shall be trained to administer emergency first aid including control of bleeding and administration of artificial respiration.

513. Education

Section 401 Child Development Centers.

Staffing requirements:

Teachers shall be qualified by meeting the requirements of one of the following:

> Bachelor's degree in early childhood education or related field, with a minimum of fifteen (15) hours in early childhood education courses.

Two or more years of college including at least 15 hours of early childhood education courses and one year of experience in a child development facility.

A high school diploma or its equivalent and 3 years of experience as a teacher or assistant teacher in a child development center, plus, within two years after the effective date of this regulation, 9 college credit hours in early childhood education from an accredited college or university.

An assistant teacher shall be qualified by meeting the requirements of one of the following:

Two or more years of college and demonstration, to the satisfaction of the director, of skill and competence with children.

A high school diploma and certificate in child development from an accredited vocational high school or, in lieu of such certificate, one year of experience in a child development center.

514. Experience

See 513. Education

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

Not specified

522. Health

See 512. Health

523. Education

Section 401 Child Development Centers.
The director shall be qualified by meeting the requirements of one of the following:

> Master's degree, from an accredited college, in early childhood education or a related field, social work, home economics, or psychology, and one year of experience in a child development facility.
>
> Bachelor's degree, from an accredited college, in early childhood education or a related field, social work, home economics, or psychology, and at least twelve credit hours of advanced study in early childhood education and one year of experience in a child development facility.
>
> Bachelor's degree, from an accredited college, in early childhood education, and two years of experience in a child development facility or a bachelor's degree in a related field, social work, home economics, or psychology, and three years of experience in a child development facility.
>
> Two or more years of college with course work in early childhood education or in a related field, social work, home economics, or psychology, and five years of experience in a child development facility.
>
> Experience as director of a licensed child development center in the District in operation before the effective date of this regulation: Provided, within three years after the effective date of this regulation such director completed nine college credit hours in early childhood education from an accredited college or university.

524. Experience

See 523. Education

530. SUPPORT STAFF QUALIFICATIONS

Section 401 Child Development Centers.
An aide shall demonstrate, to the satisfaction of the director, the ability to work well with children.

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Section 401 Child Development Centers.
The director shall be responsible for the supervision and administration of the child development center, including the provision of in-service training for staff and volunteers.

542. Child Caregiver Staff

Section 401 Child Development Centers.
The duties of a teacher and assistant teacher shall include but not be limited to attending in-service training programs when offered.

543. Support Staff

Section 401 Child Development Centers.
The duties of an aide shall include, but not be limited to attending in-service training programs when offered.

376

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

Section 401 Child Development Centers.
The daily child development program of a center shall:

Reflect knowledge and understanding of the fundamental needs and development of children.

Have continuity and flexibility so the needs of individual children as well as the needs of the group are met.

Provide a balance between periods of active play and quiet activities. For infants over 3 months of age this shall include play periods outside of the crib. Full day programs for infants and children under six years of age shall provide for rest during the day, the length of which will vary with the age of the child, but shall not exceed a total of three hours.

Provide daily activities for each child designed to:

Influence a positive concept of self.

Stimulate motivation.

Enhance his physical, social, cognitive, and communication skills by giving him opportunities to learn about himself and others, about social relationships, and about the world around him.

Help him to deal with reality through undertaking real tasks and learning to master them.

Provide creative and aesthetic experiences.

Help him to develop skills in both large and small muscle activities.

Help him to take responsibility for his bodily needs and encourage good health habits.

Include at least two hours of outdoor play every day in a full day program and at least thirty minutes in a part day program, except in extreme weather conditions.

Section 402 Child Development Homes.
The daily child development program of a child development home shall:

Reflect knowledge and understanding of the fundamental needs, growth and development of children.

Have continuity and flexibility so the needs of individual infants and children as well as the needs of the group are met.

Provide a balance between periods of active play and quiet activities. For infants over 3 months of age this shall include play periods outside of the crib. Full day programs for infants and children under six years of age shall provide for rest during the day, the length of which will vary with the age of the child, but shall not exceed a total of three hours.

Provide daily activities for each infant child designed to:

Influence a positive concept of self.

Stimulate motivation.

Enhance his physical, social, cognitive, and communication skills by giving him opportunities to learn about himself and others, about social relationships, and about the world around him.

Help him to deal with reality through undertaking real tasks and learning to master them.

Provide creative and aesthetic experiences.

Help him to develop skills in both large and small muscle activities.

Help him to take responsibility for his bodily needs and encourage good health habits.

Include at least two hours of outdoor play every day in a full day program and at least thirty minutes in a part day program, except in extreme weather conditions.

Include activities for children between the ages of 6 and 15 which shall provide opportunities for playing with peers, for solitary occupations, for study, for active play, for rest and relaxation, for learning new skills, for attending group after school programs, and for talking with and being listened to by a supportive adult.

612. Program Equipment and Materials

Section 401 Child Development Centers.
Each center shall have a sufficient number, for the size of the enrollment of the center, of toys, games, equipment, including outdoor play equipment, raw materials, and books which are safe for use by children and adequate for the requirements of the child development program.

Individual eating and drinking equipment, including, but not limited to, a fork, spoon, plate and cup for each child shall be provided by the center as appropriate, when meals or snacks are served.

An emergency supply of clothes shall be available, and wet and soiled clothes shall be changed promptly.

In full day programs, there shall be a clean cot for each child under six years of age. The cots shall be stacked or folded when not in use, so as not to infringe on play space. When in use, there shall be a minimum of 2 feet between each cot and aisle space of not less than 2 feet between rows. Each child shall be supplied a clean blanket by the child's family or, when necessary, by the center.

Section 402 Child Development Homes.

There shall be sufficient indoor and outdoor play materials, toys, supplies, and equipment suitable to the ages of the infants and children to stimulate creative play.

Playthings and toys (including parts of toys that come apart) for infants shall be large enough so that they cannot be swallowed; sturdy enough that they will not splinter or break; shall not have sharp points or rough edges; shall have paint or finishes that are safe if chewed or licked; shall not contain small parts that can come loose, such as buttons on stuffed animals; and shall be sanitary and easily washable.

Toys shall be kept clean and in good repair.

Eah child in a full day program or each infant in a full or part day program shall have an individual bed, cot or crib, with adequate bedding provided by the child development home, kept in clean and sanitary condition at all times.

Each infant or child shall be provided with space for his own clothing and belongings. Small children shall have at least one chair suitable to their needs and comfort.

613. Nap Provision

Section 401 Child Development Centers.
Full day programs for children under 6 years of age shall provide for rest during the day, the length of which will vary with the age of the child, but shall not exceed a total of three hours.

614. Discipline and Guidance

Not specified

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Not specified

712. Health Assessments

Section 403 Health Requirements.
After admission to a child development facility each infant or child shall be required to obtain an annual physical examination, the results of which shall be submitted to the caregiver or director of the child development facility on a form approved by the Commissioner.

All child development facility employees shall be in good health. They shall have an annual health examination by a licensed physician. A written report stating that the person is free from tuberculosis and other disease in a communicable form shall be submitted by the physician to the facility caregiver or director.

713. Immunizations

See 343. Child Eligibility and Enrollment Requirements

714. Sanitation

Not specified

715. Daily Illness Screening

Section 403 Health Requirements.

In every child development facility a daily inspection of each infant or child for signs of illness shall be made prior to each infant's or child's admission. Any infant or child showing any sign of illness shall be excluded from the group.

716. Care of Sick Children

Section 403 Health Requirements.

Provision shall be made for isolation of an infant or child who becomes sick or a child suspected of being sick. Parents or guardians shall be promptly advised of any illness or disability found in the infant or child.

The temperature of an infant or child may be taken when indicated. The thermometer shall be cleaned and disinfected before and after each use.

The parent or guardian of each infant or child admitted to a child development facility shall submit to the caregiver or director of the facility, on a form approved by the Commissioner, authorization for emergency medical treatment for the infant or child.

717. Medication and Special Diet Provisions

Section 403 Health Requirements.

No medicine or treatment, except emergency first aid, shall be given to any infant or child without a medical order or prescription from a licensed physician and the written consent of the parent or guardian. Any medicine so ordered or prescribed shall be clearly labeled as to the name of the infant or child, the name of the medicine, the dosage, and the name and telephone number of the infant's or child's physician.

718. Waiver of Health Requirements

Not specified

720. SAFETY

721. General Safety Requirements

Section 405 Physical Requirements of the Facilities.

Safety precautions such as barriers, gates and screens shall be provided at all windows, doorways and stairways. Insect screens shall be installed on all outside doors and openable windows. Porches, walkways, play areas, low windows and stairways which are elevated shall be equipped with barriers to prevent falls by children and infants.

In child development centers all required exits shall be equipped with panic release hardware or with knob-type hardware that cannot lock from the inside. No other type of securing hardware may be used as supplemental to or in conjunction with this required type of hardware. Doors shall swing in the direction of egress.

Child development homes and child development centers located in residential buildings shall provide at least one operable flashlight for each member. Such flashlights shall be stored in a location accessible to staff use in the event of a power failure.

Prescription or other drugs and any household cleansers chemicals or other substances or devices, including thermometers, that might be harmful to children or infants shall be stored out of reach of children in cabinets with doors that close securely.

722. Fire Safety Requirements

Section 616.4 Residential L2 Occupancies Protective Applicances.
Child development homes and child development centers located in one-or two-family dwellings shall provide one fire extinguisher per floor, including the basement, and shall provide one extinguisher in the kitchen. Centers shall be equipped with a manual fire alarm system, except in those facilities equipped with either an automatic sprinkler system or an approved automatic fire detection system.

All child development homes and child development centers shall have a fire exit drill plan. The plan shall be submitted to the Fire Chief of the District of Columbia, for review, and receive the approval of the Fire Chief before it is put into operation.

723. Transportation

See 612. Program Equipment and Materials

724. Safety Requirements for Equipment

Not specified

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

Not specified

727. First Aid Supplies

Section 403 Health Requirements.
Basic first aid equipment and supplies shall be available at all

times and staff be trained to administer emergency first aid including control of bleeding and administration of artificial respiration.

Section 405 Physical Requirements of Facilities.
First aid supplies shall be stored in a location beyond the reach of children or infants but in a place readily accessible and known to all the staff.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

Section 401 Child Development Centers.
According to the program offered, food suitable to the ages of the children shall be provided which shall be nutritionally equivalent to the following:

Breakfast:

1 serving of fruit or vegetable juice
Eggs or protein-rich food 2 or 3 times a week
1/2 cup of cooked cereal or 3/4 cup dry cereal or
1 slice of enriched bread

Morning snack:

1 serving of fruit or vegetable juice
1 serving of enriched bread, crackers, or cereal

Lunch:

2 oz. of meat or other food containing equivalent amount of protein
2 or more servings of vegetables or fruit
1 serving of bread
1 serving of butter
1/2 cup of whole milk

Afternoon snack:

1 serving of fruit or vegetable juice or 1/2 cup of whole milk
1 serving of enriched bread, rolls, or cereal

All child development centers shall seek nutritional consultation from an appropriate community resource.

To the extent possible, information provided by parents concerning the child's nutritional needs should be considered in day care feeding schedules and menus.

To the extent possible, cultural and ethnic foods appropriate to the children and the program and locality shall be part of the meal planning.

Menus shall be planned and posted, and kept on file for six (6) months so they can be reviewed by District officials as needed.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

Section 401 Child Development Centers
Food shall be protected and stored in accordance with District of Columbia Health Regulations (General Food Regulations).

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

See 611. Program of Activities and 612. Program Equipment and Materials

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

Not specified

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

See 611. Program of Activities

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

Section 405 Physical Requirements of the Facilities.
Suitable space for outdoor play shall be provided. This space shall be free from conditons which are or may be hazardous to the life or health of the children or infants. A minimum of 60 square feet of outdoor play area per child or infant per session shall be provided in an enclosed yard on the premises or in a nearby park or playground, or on a properly safeguarded roof facility, approved by the Commissioner.

Adequate indoor space suitable for the daily program shall be provided. A minimum of 35 square feet per child per session, exclusive of bathrooms, closets, halls, kitchen and storage places, shall be provided. Play space shall be clear of cots except at nap time.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

Section 405 Physical Requirements of Facilities.
Proper heating shall be provided. A minimum temperature of 65° Fahrenheit shall be maintained in all rooms at all times.

Natural light and ventilation requirements of the Building Code shall be met in all child development facilities.

1430. EXITS

Section 617.8 of the Building Code of the District of Columbia.
For child development centers located in apartment buildings if the two means of egress from the facility discharge into the same corridor, the means of egress shall be separated in the corridor by a smoke stop partition having not less than a one-hour fire resistance rating. The door in the smoke stop

partition shall be not less than 36 inches wide. The door assembly shall have a fire resistance rating of 20 minutes and shall be equipped with a self-closing device, a latch and an automatic hold-open device approved by the Commissioner.

Section 616.2(1) 2 of the Building Code of the District of Columbia.
All habitable rooms in child development centers for fewer than thirteen (13) children and child development homes in unprotected wood-frame construction shall have access to two (2) separate means of exit at least one of which shall consist of an enclosed interior stair, or exterior stairway, or fire escape or a horizontal exit, all so arranged as to provide a safe path of travel to the outside of the building without traversing any corridor or space exposed to an unprotected vertical opening.

1440. TOILETS AND LAVATORIES

Section 405 Physical Requirements of Facilities.
At least one flush toilet and one lavatory shall be provided for every ten (10) occupants of the facility, including staff. Adult facilities shall be provided separately from those for the children or infants. When toilets and lavatories are not of a height to be used by the children without assistance, a block or step shall be provided. Training chairs shall be provided by the facility for use by children who require them. Training potties shall be emptied promptly and sanitized after each use.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING
Not specified

1520. FIRE
Not specified

1530. BUILDING

Section 405 Physical Requirements of Facilities.

All child development facilities shall conform with the Building Code of the District of Columbia, the Health Regulations of the District of Columbia and all other applicable District of Columbia rules and regulations.

1540. HEALTH

See 1530. BUILDING

1550. SANITATION

See 1530. BUILDING

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are from the Florida Department of Health and Rehabilitative Services, Chapter 10C-10.22, Child Care Standards, July, 1975.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

Definitions.
Child Care Facility - includes any child care center or child care arrangement that provides child care for more than five (5) children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit....

112. Exclusions and Exemptions

Definitions.
The following are not included as a Child Care Facility; public schools and nonpublic schools which are in compliance with the compulsory school attendance law; summer camps having children in full-time residence; summer day camps; and Bible schools normally conducted during vacation periods.

The provisions of this act shall not apply to a child care facility which is an integral part of church or parochial schools conducting regularly scheduled classes, courses of study, or educational programs accredited by or a member of an organization which publishes and requires compliance with its standards for health, safety, and sanitation; provided, however, that such facilities shall meet minimum requirements of the applicable local governing body as to health, sanitation, and safety.

Any counties or cities with state or local child care licensing programs in existence on the effective date of this act will continue to license the child care facilities as covered by such programs, notwithstanding the provisions of subsection (1), until and unless the licensing agency makes a determination to exempt them.

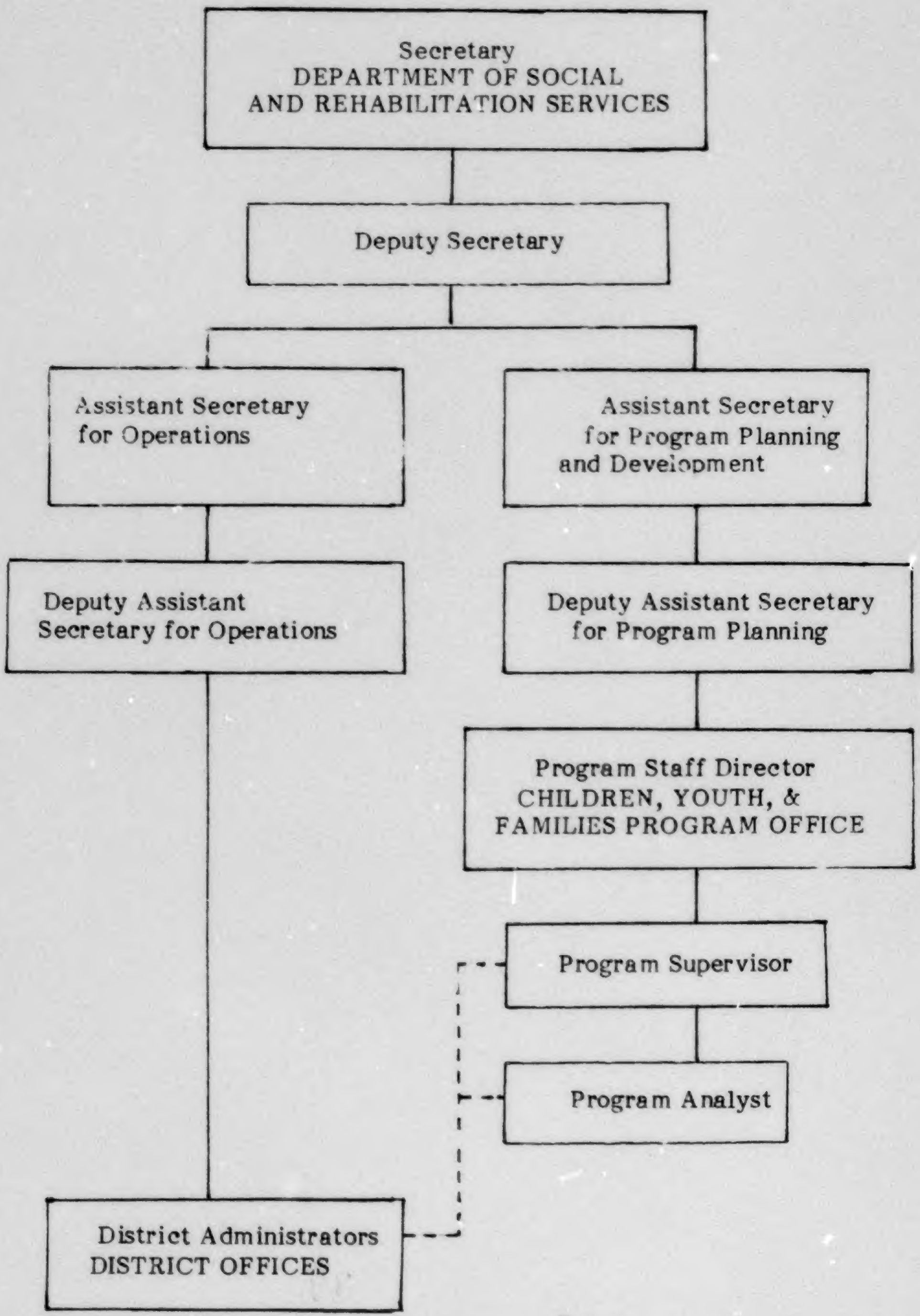
Any child care facility covered by the exemption provisions of subsection (1), but desiring to be included in this act, is authorized to do so by submitting notification to the department. Once licensed, such facility cannot withdraw from the act and continue to operate.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit


Secretary
DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES
Deputy Secretary
Assistant Secretary for Operations
Assistant Secretary for Program Planning and Development
Deputy Assistant Secretary for Operations
Deputy Assistant Secretary for Program Planning
Program Staff Director
CHILDREN, YOUTH, & FAMILIES PROGRAM OFFICE
Program Supervisor
Program Analyst
District Administrators
DISTRICT OFFICES

Licensing is carried out by 38 counties under state district administration, and by 26 independent counties which have their own regulations separate and apart from the state regulations. In the 11 districts where the state administers the licensing program, the district administrators are responsible for administering the licensing program with consultation from and monitoring by the state central office. State law does not require the licensing of family day care homes, and therefore, each county commission determines whether that type of care will be regulated.

122. Responsible Official

All inquiries should be addressed to:

Day Care Consultant
Children, Youth, and Families Program Office
Department of Social and Rehabilitation Services
1317 Winewood Boulevard
Tallahassee, Florida 32301
(904) 488-1850

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

Licensing Procedures - Designation of Licensing Agency.
Any county whose licensing standards meet or exceed state minimum standards may:

Designate a local licensing agency to license child care facilities in the county; or

Contract with the department to delegate the administration of state minimum standards in the county to the department.

Child day care facilities in any county whose standards do not meet or exceed state minimum standards shall be subject to licensing by the department under state minimum standards.

Approval of Licensing Agency.

Within thirty (30) days after the promulgation of state minimum standards, each county shall provide the department with a copy of its standards if they differ from the state minimum standards. At the same time, each county shall provide the department with the administrative procedures it intends to use for the licensing of child care facilities.

The department shall have the authority to determine if local standards meet or exceed state minimum standards. Within sixty (60) days after the county has submitted its standards and procedures, the department shall, upon being satisfied that standards required by this act have been met, approve the local licensing agency.

212. Advisory Body and Other Community Participation

Not specified

220. LICENSING PROCEDURE

221. Application and Issuance

Licensing Procedures - Issuance of License.

State Administration of Licensing - In any county in which the department has the authority to issue licenses, the following procedures shall be applied:

> Application for a license or for a renewal of license to operate a child care facility shall be made in the manner and on the forms prescribed by the department.

The license certificate for a child care facility must meet any local regulations which apply and is issued for a specific address and for operation by specific individuals or a designated organization.

It shall specify the age range and maximum number of children who can be enrolled.

A license is not transferable.

When there is a change in the operator of a child care facility, a new license will be required.

All standards established under this act shall be in accordance with the appropriate minimum standards used by the State Fire Marshal for child care facilities.

The department shall issue or renew a license upon being satisfied that all standards required by the act and local regulations and ordinances have been met.

The license shall be displayed in a conspicuous place in the main part of the building.

Local Administration of Licensing - In any county in which there is a local licensing agency approved by the department, the following procedures shall apply:

Application for a license or for renewal of license to operate a child care facility shall be made in the manner and on the forms prescribed by the local licensing agency.

The license certificate for a child care facility is issued by the local licensing agency. It is issued for a specific address and for operation by specific individuals or a designated organization.

A license is also issued on the basis of an arrangement between the facility and the local licensing agency as to the age range and maximum number of children who can be enrolled.

A license is not transferable.

When there is a change in the operator of a child care facility, a new license will be required.

All standards established under this act shall be in accordance with the appropriate minimum standards used by the State Fire Marshal for child care facilites.

The local licensing agency shall issue a license or renew a license upon being satisfied that all standards required by this act have been met.

The license shall be displayed in a conspicuous place in the main part of the building.

222. Fee Charged

Not specified

223. Areas of Investigation

See 221. Application and Issuance

224. License Renewal

Licensing Procedures - Issuance of License.
Prior to the renewal of a license, the department shall re-examine the child care facility, including in that process the examination of the premises and those records of the facility as required under Section 5, Chapter 74-113, Laws of Florida, to determine that minimum standards for licensing continue to be met.

225. Conditional/Provisional Licenses

Licensing Procedures - Provisional License.
The local licensing agency or the department, whichever is authorized to license child care facilities in a county, may issue a provisional license to applicants for a license or to licensees who are unable to conform to all the standards as provided for in this act.

No provisional license may be issued unless the operator makes adequate provisions for the health and safety of the child and unless the local licensing agency or the department finds that a need exists for the services offered by the child care facility.

The provisional license shall in no event be issued for a period in excess of one (1) year and shall not be subject to renewal.

The provisional license may be suspended if periodic inspection made by the local licensing agency or the department indicates that insufficient progress has been made toward compliance.

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

Licensing Procedures - Issuance of License.
The department shall coordinate all inspections of child care centers. A child care facility is not required to implement a recommendation of one agency that is in conflict with a recommendation of another agency if such conflict arises due to uncoordinated inspections. Any conflict in recommendations shall be resolved by the secretary of the department within fifteen (15) days after written notice that such conflict exists.

Inspection.

A licensed child care facility shall accord to the department or the local licensing agency, whichever is applicable, the privilege of inspection, including access to facilities, staff, and required records, at reasonable times during regular business hours, to insure compliance with the provisions of this act.

If the time selected for inspection by the inspector proves to interfere with the normal operation of the facility, the inspection may take place, but the Director of the facility may have the option of requesting an appointment at another time for discussion of possible deficiency, and inspection of records.

232. Denial, Suspension, Revocation of a License

Hearings upon Denial or Revocation of License.

When the department or local licensing agency, whichever is applicable, has reasonable cause to believe that grounds for the denial or revocation of a license exists, it shall notify the applicant or the licensee in writing stating the grounds upon which the license is being denied or revoked. If the applicant or licensee makes no written request for a hearing to the local licensing agency or the department, whichever is applicable, within fifteen (15) days from receipt of such notice, the license shall be deemed denied or revoked.

233. Remedies and Sanctions

233.1 Hearings

Licensing Procedures.

An applicant or licensee shall have the right to appeal a decision of the local licensing agency or the department to a representative of the department. A hearing shall be held in the county in which the child care facility is being operated or is to be established.

Hearings upon Denial or Revocation of License.
If a request for a hearing is made to the local licensing agency, a hearing shall be held within thirty (30) days and shall be conducted by an individual designated by the county commission.

233.2 Decisions

Not specified

233.3 Judicial Review

Licensing Procedures - License Required.
After July 1, 1975, the operation of a child care facility without a license is prohibited. The department or the local licensing agency is empowered to seek an injunction in the circuit court where the facility is located against the continuing operation of a child care facility for the following reasons:

> When there is any violation of the standards applied under this act which threatens harm to any child in the child care facility.
>
> When a licensee has repeatedly violated the standards provided for under this act.
>
> If a child care facility continues to have children in attendance after the closing date established by the department or the local licensing agency.

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

Admission and Record Keeping - Other Records.
A written record of unusual incidents affecting the program of the facility as well as accidental injuries to children/ employees/volunteers must be kept on file.

A written record must be kept of each monthly fire drill showing date, number of children in attendance, and time taken to evacuate the premises.

Records of menus served shall be placed on file and kept for a minimum of one month.

312. Telephone

Physical Facilities - Fire Safety.
There shall be a working telephone which is neither locked nor a pay station in the child care facility.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Not specified

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Personnel - General Requirements.

No person shall be an operator of nor be employed in a child care facility who has been convicted of a crime involving child neglect, child abuse, or who is an habitually excessive user of alcohol or who illegally uses narcotic or other impairing drugs, or who exhibits behavior that may be injurious to children.

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS

341. Children

Admission and Record Keeping - Health Examinations and Health Maintenance. Within thirty (30) days of enrollment, each child must have a written statement on file from a licensed physician or authorized agent of a Florida County Health Department stating that:

> The child is in good health, or, that any known irregular condition is under treatment.
>
> Immunizations appropriate to the child's age are up to date or are in the process of being brought up to date.

Immunization records must be kept current.

Written proof of physical examination must be filed with the facility every two (2) years after the admission examination.

Exemptions: Any child shall be exempt from medical or physical examination, or medical or surgical treatment upon written request of the parent of such child who objects to the examination and treatment; provided, however, that the laws, rules, and regulations relating to contagious or communicable diseases and sanitary matters shall not be violated.

342. Staff

Admission and Record Keeping - Personnel Records.
Personnel records shall be maintained for the owner/operator, each employee of the facility, regular volunteers, and household members in a child care facility being operated in a private house. These shall include:

Name, address and telephone number.
Reports of the required health examinations and tests.
Person to contact in an emergency.
Position and date of employment.

343. Child Eligibility and Enrollment Requirements

Admission and Record Keeping - Enrollment Information.
The operator shall obtain and keep current the following enrollment information from the child's parent:

The child's full legal name, birth date, current address, and preferred name(s).

The name and address of the parents.

Telephone numbers or instructions as to how the parent(s) may be reached during the hours the child is in the facility.

Names, addresses, and telephone numbers of person(s) who can assume responsibility for the child if for some reason the parents cannot be reached in an emergency.

Names and addresses of persons authorized to take the child from the child care facility.

The name, address, telephone number of a physician or health resource that can be called in case of emergency and the parents written permission to consult that physician or health resource if the parent cannot be reached.

Written agreement to provide the bag lunch or the child's food shall be signed by the parent and kept on file.

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

Personnel - Ratios of Personnel to Children.

General

The following staff ratio is based on primary responsibility for the direct supervision of children:

Age of Children	Ratio
Under 1 year of age	1 person for 6 children
1 year of age	1 person for 8 children
2 years of age	1 person for 12 children
3 years of age	1 person for 15 children
4 years of age	1 person for 20 children
5 years of age or older	1 person for 25 children

There shall be an arrangement for another adult to be readily available to substitute for the adult in charge in case of emergency.

If both non-handicapped and handicapped children are served, it may be necessary for the operator to make an adjustment in the staff ratio to insure adequate and proper care of the handicapped children.

Substitutes:

In the absence of regular staff members, there shall be similarly qualified substitutes except in actual emergencies of a temporary, non-recurring nature. A person may serve as a temporary replacement for a staff member for not more than three (3) days on a non-recurring basis without meeting the requirements of periodic health examinations and training in first aid.

412. Methods of Computing Staff/Child Ratios

See 411. Staff/Child Ratios as of March, 1981

420. GROUP SIZE

421. Group Size as of March, 1981

Personnel - Ratios of Personnel to Children.
The groups of mixed age ranges, where infants under one (1) year are included, one (1) person shall not be responsible for more than six (6) children of any age group. Where infants over one (1) year are included, one (1) person shall not be responsible for more than eight (8) children of any age group. Where infants are not included, the staff ratio shall be based on the age of the majority of children in the group.

422. Methods of Computing Group Size

See 421. Group Size as of March, 1981

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

Personnel - Minimum Age Requirements.
Staff - Other staff must be at least sixteen (16) years of age.

512. Health

Personnel - Health Examinations - Staff.

Within thirty (30) days after employment a statement must be on file from a licensed physician or authorized agent of a Florida County Health Department attesting that the staff member is physically qualified to care for children.

Physical examinations shall be renewed every two years.

All staff shall be screened for tuberculosis on initial employment by tuberculin skin testing. Personnel currently employed should be tested if there is no record of previous test. Reactors should be examined by a 14 x 7 chest x-ray and should consult with their physician regarding the advisability of isoniazid preventive therapy. If preventive therapy is completed no further screening is required; if not completed, a chest x-ray should be required at least annually. Non-reactors need no further screening except when circumstances indicate a higher risk of acquiring infection such as known exposure and in certain high risk areas. This policy applies to teachers, administrative staff, bus drivers, food service, custodial personnel and others employed or regularly volunteering in child care facilities.

If the child care program is conducted in a private home, each member of the household shall be subject to the same health requirements as staff and volunteers.

Reports of such examination shall be on file at the facility.

513. Education

Not specified

514. Experience

Not specified

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

Personnel - Minimum Age Requirements.

Operator - the operator of a child care facility must be at least eighteen (18) years of age. In the absence of the operator there must be a person of legal age in charge of the facility and on the premises at all times.

522. Health

See 512. Health

523. Education

Not specified

524. Experience

Not specified

530. SUPPORT STAFF QUALIFICATIONS

Personnel - Volunteers.

Volunteers who assist on a regular (weekly) basis and who have direct physical contact with children must meet the tuberculin examination requirements of staff members. Volunteers who meet the health and age requirements of staff members may be counted in the staff ratio.

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

See 542. Child Caregiver Staff

542. Child Caregiver Staff

Personnel - Training in First Aid.

At least one (1) adult staff member, who has a valid certificate of completion of a Red Cross Standard First-Aid Multi-media Course or a course equivalent to those previously approved by the department for Pinellas and Orange Counties specifically directed to child care needs or is currently receiving such training, shall be on the premises at all times that children are present in the facility.

543. Support Staff

See 542. Child Caregiver Staff

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

Not specified

612. Program Equipment and Materials

Physical Facilities.

A child care facility shall have equipment and toys which are safe and can be maintained in a sanitary condition.

613. Nap Provision

Physical Facilities - Napping Space.

Each facility must include a designated area where a child can sit quietly or lie down to rest or nap. Napping space and play area may be used interchangeably.

All bedding such as cots, beds, cribs, or floor pads (mats) shall be maintained in a safe and sanitary manner. Towels are not acceptable as mats.

A minimum distance of eighteen (18) inches must be maintained between individual napping spaces.

No double or multi-decked cribs, cots, or beds may be used.

Infants up to one (1) year of age must be in cribs or playpens with sides. Cribs must meet the construction regulations as outlined in Title 16, Code of Federal Regulations, Subchapter C-Hazardous Substances.

Nursery cots may be used for children of one (1) year of age and above.

614. Discipline and Guidance

Not specified

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Physical Facilities.
Drinking water shall be freely available to children of all ages. If drinking fountains are provided, they shall be slant type, protected fountains and shall be sufficient for the child's needs. If disposable cups are used, they must be discarded after each use.

When infants are in care, there shall be an adequate supply of clean diapers, clothing, and sheets at all times. Soiled items shall be placed in covered containers which shall be emptied, cleaned, and disinfected daily. Children's wet or soiled clothing and crib sheets shall be changed promptly.

712. Health Assessments

See 341. Children

713. Immunizations

Not specified

714. Sanitation

Physical Facilities - Health and Sanitation.
All child care facilities shall conform to state and local water and sewage disposal standards.

All other buildings unless air conditioned must be adequately screened to prevent entrance of insects and rodents. Open-air classrooms and picnic areas are permitted.

715. Daily Illness Screening

Not specified

716. Care of Sick Children

Physical Facilities - Isolation Area.

Each facility must include a designated area for a child who becomes ill at the center. Such space shall be adequately ventilated and heated, and equipped with a bed or cot and materials that can be sanitized easily. Linens and disposables shall be changed after each use.

First-Aid Treatment and Emergency Procedures.

Any child showing symptoms of illness during the day shall be removed from the group to the isolation area where he shall receive necessary attention until such time as the facility and his parents can make plans for his care elsewhere or until he is ready to return to his group.

Any child suspected of having a communicable disease shall be isolated immediately and the condition reported to the parent.

717. Medication and Special Diet Provisions

Nutrition.

Arrangement shall be made between the operator and parent for a child's special diet when prescribed by a physician. The physician's order and a copy of the diet and sample meal plan for the special diets shall be in the child's record.

Admission and Record Keeping - Medication Records.

If prescription medication is to be dispensed by the child care facility, the name of the doctor, child, and medication directions for administration shall be written on the label. A written request signed by the parent(s) shall accompany the medication to be given the child. The child care facility shall record the name of the child, medication, date, time, and amount of dosage dispensed. The record shall be initialed by the adult who dispensed the medication.

718. Waiver of Health Requirements

Not specified

720. SAFETY

721. General Safety Requirements

Physical Facilities - General.

During the hours that the center is in operation, no portion of the building shall be used for any purpose which endangers the health and safety of the children.

All surfaces or items accessible to children shall be free of toxic materials. Lead base paint is prohibited.

Medicines, cleaning supplies, flammables and other potentially poisonous or cancerous supplies shall be stored out of a child's reach, and in such manner as to insure the safety of children.

No firearms shall be kept on the premises unless unloaded and in a locked cabinet.

Staff members may smoke only in areas designated by the operator. Designated areas shall not include any areas in which children are present.

The outdoor play area shall be clean, free of litter, nails, glass, and other obvious hazards. All stationary equipment shall be firmly anchored. All equipment and fences shall be free of sharp and jagged edges.

722. Fire Safety Requirements

See 721. General Safety Requirements

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723. Transportation

General.
When private passenger automobiles or station wagons are used for transportation of children by a child care facility, the driver must be at least eighteen (18) years of age and have passed an annual physical examination.

When transportation is provided by a child care facility, all motor vehicles shall comply with the provision of Section 316.288 and Chapter 234, Florida Statutes.

724. Safety Requirements for Equipment

See 721. General Safety Requirements and 612. Program Equipment and Materials

725. Water Activities (Including Swimming)

Physical Facilities - Outdoor Play Space.
All water hazards such as swimming pools, wading pools, ditches, fish ponds, etc., shall be adequately fenced in accordance with accepted safety practices.

Any swimming pool or wading pool used by a child care facility must be constructed and operated in compliance with Chapter 10D-5, Florida Administrative Code, Swimming Pools and Bathing Places.

726. Emergency Procedures

First-Aid Treatment and Emergency Procedures.
Parents shall be notified immediately of any illness or injury to the child in the center and their specific instructions regarding action to be taken shall be obtained.

If the parents or persons designated to be called in case of an emergency, serious illness or injury cannot be reached, the operator will contact those sources designated on the record of child accepted for care.

The facility shall have written instructions from parents for staff to follow in arranging for immediate treatment in emergencies.

727. First Aid Supplies

First-Aid Treatment and Emergency Procedures.
There shall be first-aid supplies - soap, bandaids, sterile gauze squares, adhesive tape, thermometer, and tweezers. These supplies shall be kept in a designated location in a covered container and labeled "First Aid."

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

Nutrition.
Facilities shall provide meals and snacks of a quantity and quality to supplement food served at home so that daily nutritional needs of the children are met according to recognized nutritional standards. (The standards most widely accepted are the National Research Council's Recommended Dietary Allowances). Recommended meal patterns to meet these standards are to be furnished by the licensing agency as a suggested guide for the operator.

Alternate Nutrition Plan.

If meals, snacks, and/or formulas are furnished by the child's parents, there shall be a written agreement signed by the parent and kept on file at the facility with a copy given to the parent. The agreement shall define the responsibilities of the parent and the operator in meeting the child's nutritional needs.

All facilities shall assure that each child is provided with a mid-morning and mid-afternoon snack in addition to the number of meals necessary to meet the child's nutritional needs as stated above.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

Nutrition.

Menus shall be planned, written, and posted at the beginning of each week. Menus shall be dated and posted in the food service area and in areas where they are accessible to parents. Any menu substitution shall be posted and entered on a log book used for this purpose.

Food Preparation and Food Service Requirements - Sanitary Facilities and Controls.

All rooms where food or drink is stored, prepared, or served or where utensils are washed shall be protected from dust, flies, vermin, rodents, and other contamination.

The floors, walls, shelves, tables, utensils, and equipment in these rooms shall be of such construction as to be easily cleaned and shall be kept clean and in good repair. Stored food shall be placed in such a manner as to be free from dust, dirt, and splash.

The walls shall be finished in a light color and shall have a smooth, washable surface up to the level reached by splash or spray.

These rooms shall be well lighted and ventilated and openings shall be effectively screened.

All multi-use eating and drinking utensils shall be thoroughly cleansed with hot water and an effective detergent, then shall be rinsed free of such solution, then effectively subjected to an approved bactericidal process after each use.

All food and drink shall be clean, wholesome, free from spoilage and so prepared as to be safe for human consumption.

Ice cream and other frozen desserts shall be from approved sources. All milk and fluid milk products for drinking purposes shall be pasteurized and shall be purchased and served from the original containers in which they were packaged at the milk plant.

All readily perishable food and drink shall be kept at or below 40 degrees F, except when being prepared or served.

All employees shall wear clean garments and shall keep their hands clean at all times while engaged in preparing and serving food and drink.

At least one management person from each child care facility serving food shall complete the Environmental Health Food Service Management Training Course or other equivalent course approved by the department and local licensing agency modified to meet child care facility needs and possess valid certification thereof.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Not specified

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

Nutrition.
Infants shall be individually fed, or supervised at feeding and offered foods appropriate for their age. Formula shall be refrigerated and handled in a sanitary manner by the child care facility.

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Personnel - Ratios of Personnel to Children.
Facilities serving only children who are handicapped or disabled:

The following staff ratio is based on direct supervision of children:

Age of Children	Ratio
Under 2 years of age	1 person for 4 children
2 years of age	1 person for 6 children
3 years of age	1 person for 8 children

4 years of age	1 person for 10 children
5 years of age or older	1 person for 14 children

Depending on the severity of the handicaps or disabling conditions of the children in care, additional staff shall be required to assess the safety of children at all times.

In groups of mixed age ranges, where infants are included, one (1) person shall not be responsible for more than four (4) children of any age group. Where infants are not included, the staff ratio shall be based on the age of the majority of children in the group.

There shall be an arrangement for another adult to be readily available to substitute for the adult in charge in case of emergency.

1220. HEALTH AND SAFETY REQUIREMENTS

Admission and Record Keeping - Enrollment Information.
If the child's condition requires it, a written plan must be on file at the child care facility. This plan will be developed as a cooperative effort between the child's parent, the operator, and supervising physician and/or other specialists. This plan shall specify the handicapping condition and the special provisions which will be made to meet the needs of the handicapped child in compliance with state and federal regulations.

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

Physical Facilities - Indoor Play Space.

There shall be a minimum of twenty (20) square feet of usable floor space per child. Shelves or storage for toys and other materials shall be considered as usable floor space if accessible to children.

Where infants are in care, they shall have open play space outside of cribs and playpens. If cribs and playpens are stored out of the way during play time, the space used for play may be interchangeable with space used for cribs and play pens.

Outdoor Play Space.

There shall be a minimum of forty-five (45) square feet of usable, safe, and sanitary outdoor play area per child. Play area shall be calculated at the rate of forty-five (45) square feet per child in any group using the play area at one time. A minimum play area shall be provided for one-half (1/2) of the licensed capacity.

Outdoor play area shall provide both sun and shade.

The outdoor play area shall have safe and adequate fencing or wall at a minimum of four (4) feet in height.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

Physical Facilities - Rooms Occupied by Children.
Must have a minimum of twenty (20) foot candles of natural or artificial light.

An inside minimal temperature of 65°F must be maintained when the outside temperature is less than 65°F.

1430. EXITS

Not specified

1440. TOILETS AND LAVATORIES

Physical Facilities - Toilet and Bath Facilities.
Each child care facility shall be provided with conveniently located toilet and bath facilities.

There shall be one (1) toilet with seat and one (1) wash basin for the first fifteen (15) children. There shall be one (1) toilet and one (1) basin for every thirty (30) children thereafter.

> If only diaper babies are cared for in the facility, there need be only one (1) toilet seat plus two (2) basins for each thirty (30) infants.
>
> If potty chairs are used these shall be in addition to the above toilet facilities.

No toilet facility shall open directly into an area where food is prepared. Where the indoor play space also serves as the dining area, and the children are closely supervised while using toilet and bath facilities, a toilet facility may open directly into areas where food is served.

Toilets and wash basins shall be constructed at such a level as to allow the children to conveniently use them. If toilets or wash basins are not installed at this level, a platform shall be constructed. Platforms must be of safe construction, non-porous covering, and easily cleanable.

Children must be continuously supervised while bathing.

At least one (1) portable or permanent bath facility shall be available for bathing children.

Running water must be available.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

Physical Facilities - Fire Safety.
All child care facilities shall conform to state standards prepared by the State Fire Marshal: Chapter 4A-36, Florida Administrative Code, Minimum Standards for Life Safety and Fire Prevention in Child Care Facilities.

1530. BUILDING

Not specified

1540. HEALTH

Not specified

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are to the Rules of the Georgia Department of Human Resources, Office of Regulatory Services, Minimum Requirements for Day Care Centers, June, 1974.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

GA. CODE ANN. Chapter 9-203 Definitions.
"Child welfare agency," as used in section 99-214 of this Chapter, shall mean: "child-caring institution," "child-placing agency," "maternity home," "family boarding home," "family day-care home," and "day-care center."

"Day-care center" shall mean any place operated by a person, society, agency, corporation or institution, or any group wherein are received for pay seven or more children under 18 years of age for group care, without transfer of custody, for less than 24 hours per day.

112. Exclusions and Exemptions

GA. CODE ANN. Chapter 99-214 Placement of children; licensing and inspection of child welfare agencies.

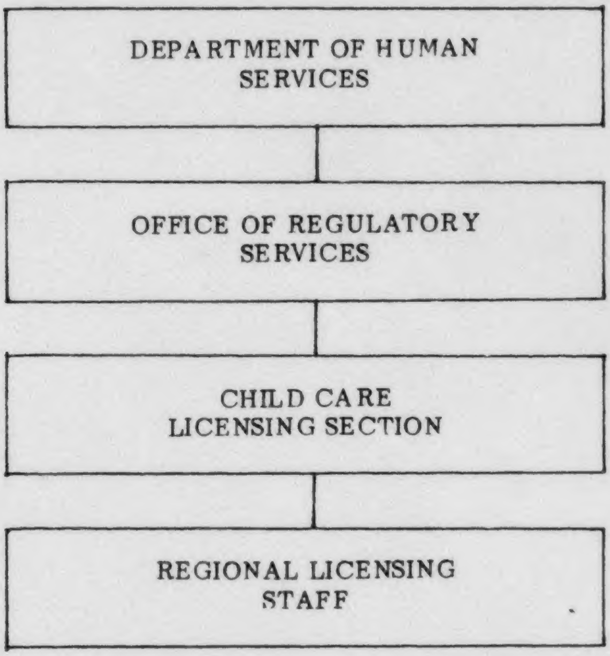
Child welfare agencies and other facilities and institutions wherein children and youth are detained operated by any department or agency of State, county or municipal government shall not be subject to license under the provisions of this section, but the division may, through its authorized agents, make periodic inspections of such agencies, facilities and institutions.

113. HHS Day Care Compliance

GA. CODE ANN. Chapter 99-202.1 Private Day Care Centers.
Nothing in this Chapter or any rules and regulations adopted hereunder shall be construed to require that private day care centers maintain an adult to child under care ratio commensurate with any Federal requirement concerning such adult to child under care ratio.

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit


DEPARTMENT OF HUMAN SERVICES
OFFICE OF REGULATORY SERVICES
CHILD CARE LICENSING SECTION
REGIONAL LICENSING STAFF

In Georgia, all licenses are issued and revoked at the state central office level, while the day to day licensing functions are carried out at the regional level under the direct supervision of the state central office.

122. Responsible Official

All inquiries should be addressed to:

Director of Child Care Licensing
Child Care Licensing Section
Office of Regulatory Services
Department of Human Services
618 Ponce de Leon Avenue, N.E.
Atlanta, Georgia 30308
(404) 894-4142

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

GA. CODE ANN. Chapter 99-214 Placement of children; licensing and inspection of child welfare agencies.

All child welfare agencies, as defined in section 99-203, subparagraph (r), shall be licensed annually by the Division for Children and Youth in accordance with procedures, standards, rules and regulations to be established by the board. The board shall develop and publish standards for licensing of child welfare agencies. A license issued to a child welfare agency shall be deemed approval of all family boarding homes, foster family homes, and family day-care homes approved, supervised and used by the licensed agency as a part of its work, subject to provisions of this Chapter and rules and regulations of the board.

212. Advisory Body and Other Community Participation

GA. CODE. ANN. Chapter 99-204 Establishment of division and board; composition, organization, meetings and compensation of board.

To effectuate the purpose of this Chapter, there is hereby created within the Department of Human Resources a division to be known as the Division for Children and Youth. The division shall be under the supervision and direction of a State Board for Children and Youth. The State Board for Children and Youth, hereby created, shall be composed of 15 members, 14 of whom shall be appointed by the Governor by and with the advice and consent of the Senate and one of whom shall be the Director of the Department of Family and Children Services who shall serve as chairman of the board and preside at all meetings of the board. There shall be at least one member of the board from each of the 10 congressional districts.

Appointive members of the board shall be influential and respected citizens in their respective communities who are recognized for their demonstrated interest in children and youth and in all matters pertaining to the betterment of family life in Georgia. The term of office of appointive members of the board shall be for six years, except that initially five members shall be appointed for six-year terms; five members for four-year terms; and four members for two-year terms, each of said initial terms to date from July 1, 1963. Appointive members of the board shall hold office for the term of their office and until their successors are appointed and qualify, and shall be eligible for reappointment.

The Director of the Department of Public Health, the State Superintendent of Schools, the Commissioner of Labor, the Director of Corrections, the Commissioner of Agriculture, the Director of the Georgia Forest Commission, the Director of Probation, and the executive secretary to the Governor shall serve as ex-officio members of the State Board for Children and Youth. They shall attend meetings of the board whenever possible, but shall not have a vote. They shall, whenever the duties of their office permit and upon request

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by the board, serve as ex-officio members of committees appointed by the board. They shall provide advice and counsel to the board and to the Director of the Division for Children and Youth.

220. LICENSING PROCEDURE

221. Application and Issuance

GA. CODE ANN. Chapter 99-214 Placement of children; licensing and inspection of child welfare agencies.

All child welfare agencies, as defined in section 99-203, subparagraph (r), shall be licensed annually by the Division for Children and Youth in accordance with procedures, standards, rules and regulations to be established by the board.

The division shall assist applicants or licensees in meeting standards of the division, and if a licensee is, for any reason, denied renewal of a license, or if a license is revoked, or if any applicant for license cannot meet division standards, the division shall assist in planning the placement of children, if any, in the custody of such child welfare agency in some other licensed child welfare agency, or assist in returning them to their own homes, or in making any other plans or provisions as may be necessary and advisable to meet the particular needs of the children involved.

Application for license shall be made to the division upon forms furnished by the division. Upon receipt of an application for license, and upon presentation by the applicant of evidence that the child welfare agency meets the standards prescribed by the division, the division shall issue such child welfare agency a license for a one-year period.

I General Policies.

Each agency, group or individual planning the operation of a day care program shall file an application for a license at least 30 days prior to the anticipated date of opening and commencement of operation, and shall not begin operation until a license is issued.

222. Fee Charged

Not specified

223. Areas of Investigation

Not specified

224. License Renewal

Not specified

225. Conditional/Provisional Licenses

GA. CODE ANN. Chapter 99-214 Placement of children; licensing and inspection of child welfare agencies.

If the division finds that any child welfare agency applicant does not meet standards prescribed by the division but is attempting to meet such standards, the division may, in its discretion, issue a temporary license to such child welfare agency, but such temporary license shall not be issued for more than a one-year period. Upon presentation of satisfactory evidence that such agency is making progress toward meeting prescribed standards of the division, the division may, in its discretion, reissue such temporary license for one additional period not to exceed one year.

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

Not specified

232. Denial, Suspension, Revocation of a License

GA. CODE ANN. Chapter 99-214 Placement of children; licensing and inspection of child welfare agencies.

Licenses may be revoked at any time before the expiration date thereof upon 90 days' notice in writing by the director to the licensee. Such notice shall contain a statement of causes for revocation and shall be mailed to the licensee by registered mail, return receipt requested. The licensee may, within 10 days of receipt of such notice, request in writing a hearing before the board. The board shall grant such licensee a hearing within 90 days of the date of receipt of such request by the division.

233. Remedies and Sanctions

233.1 Hearings

GA. CODE ANN. Chapter 99-214 Placement of children; licensing and inspection of child welfare agencies.

Upon written notice that an application for a license has been denied, such notice to be provided the applicant therefor by registered mail, return receipt requested, the applicant requesting such license may within 10 days of receipt of such notice request in writing a hearing before the board. The board shall grant such applicant a hearing within 90 days of the date of receipt of such request by the division.

Hearings provided for in this section may be held at any place designated by the board. The board shall provide by regulation for notice, conduct of hearings before the board, and for the presentation of evidence to the board. Hearings shall be open to the public. The board is hereby authorized to visit and inspect the premises, records and children and youth of any child welfare agency involved in any hearing and consider such facts and findings as may thereby be developed by the board in reaching a final determination in the matter before the board. The board may appoint a committee to consist of not less than 10 of the members and ex-officio members of the board for the purpose of hearing and determining matters provided for in this section, Provided, however, that at least eight members of such committee shall in each case be present at and particpate in the hearing and in the determination of the matter before the committee. The board or the committee, if such a committee be appointed, shall within 45 days after termination of such hearing, or within 45 days after rehearing or reargument, should the board or committee grant the same, enter up an order covering the matters involved in the hearing, rehearing or reargument, and provide copies of same to the persons entitled thereto.

233.2 Decisions

See 233.1 Hearings

233.3 Judicial Review

GA. CODE ANN. Chapter 99-214 Placement of children; licensing and inspection of child welfare agencies.

Any applicant or licensee aggrieved by the decision of the board or the decision of the committee, as the case may be, may obtain judicial review thereof by filing a petition in the superior court of the county where the child welfare agency concerned is located. The petition shall plainly specify the action complained of, set forth the relief sought, and facts and circumstances supporting the petitioner's right to such relief.

Any child welfare agency that shall operate without a license issued by the division shall be guilty of a misdemeanor and shall be fined not less than $50, nor more than $200 for each such offense. Each day of operation without a license shall constitute a separate offense.

The Department of Human Resources may, without regard to the availability of other remedies, including administrative remedies, seek an injunction against the continued operation of a child welfare agency without a license for the continued operation of a child welfare agency in willful violation of this Chapter or of any regulation of the department or in violation of any order of the Board of Human Resources.

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

II Administration.

Licensing of a day care center shall be contingent upon the center meeting all laws, regulations, rules and ordinances of State and local governments which apply to its operation.

The legal responsibility for the director of the center and the care of the children shall be clearly defined and the person or persons to whom this responsibility may be delegated clearly defined in writing.

There shall be at all times a responsible person on the premises who, by definition of job or delegated authority, is responsible for the administration of the day care center.

The responsibilities of the director and/or owner shall be to state clearly the purpose of the program, to develop the policies of the day care center, to establish and maintain an adequate financial structure, and to implement the policies of the center.

The day care center shall have available to the parent or person legally responsible for a child enrolled in the center, a copy of the State Minimum Requirements for Day Care Centers.

The day care center shall have in writing and available to all parents a description of the services offered. This description shall include:

Policy and procedure.

Children served (maximum and minimum age, etc.).

The days and hours the center is open, holidays observed and dates center is closed.

Children's program including nutrition, health and activities.

All day care centers shall report to the local Licensing Unit, Department of Human Resources, within twenty-four hours, the following:

Change of directorship or closing of center.

Death or serious injury to any person while in the center's care.

Any fire, explosion or natural disaster.

Since the license is not transferable, a potential change in ownership shall be reported at least two weeks prior to the change.

License and other permits shall be posted at some point near the entrance or part of the facility that is open to view by the public.

All day care centers sponsored by community organizations and/or all non-profit day care centers shall have a governing board responsible for its proper function in accordance with its purposes.

312. Telephone

VIII Equipment.
There shall be a telephone in the day care center.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Not specified

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS

341. Children

IV Records.

The day care center shall keep the following records on file in an organized and accessible manner in the center:

Daily attendance records.

Records of individual children including:

Identifying information (child's name, birthdate, parent's or guardian's name, home and business address, telephone numbers).

Name, address and telephone number of persons to contact in emergencies including family physician.

Evidence of an annual review of the health status of each child (including preadmission evaluation) by a responsible health source (i.e., physician, health agency or other qualified provider of health services).

Evidence of current required immunizations appropriate to the child's age (D.P.T., polio, measles, and rubella).

Description of accidents or illnesses occurring while child is in the center's care, including date, time and conditions under which it occurred and action taken.

Parental agreement.

342. Staff

IV Records.

The day care center shall keep the following records of individual employees on file in an organized and accessible manner in the center:

Identifying information.
Qualifications.
References.
Employment history.
Employment date.
Medical statement from physician, health consultant or community health agency.
Appointment statement or employment contract (conditions of employment).

343. Child Eligibility and Enrollment Requirements

II Administration.

The day care center shall develop a written plan and follow it for enrollment of children. This plan shall include an interview in person with the parent or guardian of the child for the purpose of discussing policies and procedures and for securing from the parent the following information:

Age and physical condition of the child.

Name, address and telephone number at home and at work for parent or guardian.

Signed agreement between parent and day care center which includes name, address and telephone number of person or persons to be called in an emergency when parent cannot be reached; permission for the day care center to secure medical help in time of emergency; plan for payment of fees; name, address and telephone number of person(s) to whom the child may be released.

Signed parental agreement for child(ren) to participate in water activities (wading and swimming), field trips and other activities away from the center.

Responsibility for escorting child to and from transportation vehicle if transportation is provided.

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

II Administration.

Information pertaining to an individual child shall not be disclosed to persons other than the center staff or other authorized personnel unless the parent(s) of the child has granted written permission or in an emergency.

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

III Staff.

The minimum teacher/child ratios in centers and on playgrounds shall be as follows:

Group Age	No. of Adults	No. of Children
Infancy — 18 mos.	1	5 - 7
18 mos. — 3 yrs.	1	8 - 10
3 — 4 years	1	10 - 15
4 — 5 years	1	15 - 18
5 — 6 years	1	15 - 20
7 & older	1	20 - 25

Directors shall make provisions for maintaining these ratios in case of illness or absence of regular staff.

412. Methods of Computing Staff/Child Ratios

Not specified

420. GROUP SIZE

421. Group Size as of March, 1981

See 411. Staff/Child Ratio as of March, 1981

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

III Staff.

Persons under 18 years of age shall not assume sole responsibility for a group of children.

512. Health

III Staff.

There shall be evidence of preemployment and annual review of the health status of each adult in the center by a responsible health source (e.g., personal physician, health consultant or community health agency).

513. Education

III Staff.

All directors and staff members who have responsibility for planning and supervising children's programs or who are working with children shall present evidence of completing recent training (within three years) in the field of child care. Training course curriculums other than those provided by accredited schools shall have prior written approval of the Licensing Unit.

Persons giving care to children under three years of age shall have special knowledge about their care and shall participate in courses, workshops and institutes related to the child under three when such training is available.

514. Experience

III Staff.

All staff members shall show evidence of good character, present evidence of good physical, mental and emotional health; show an understanding of children; be adaptable to a variety of situations; and be willing to grow in knowledge about children through participation in regular in-service training.

VII Health and Safety.

Staff shall have knowledge of basic health needs and health problems of children such as mental health, physical health, nutritional health.

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

See 511. Age

522. Health

See 512. Health

523. Education

See 513. Education

524. Experience

II Administration.

The director and/or owner of the day care center shall be a person who has evidence of good character. The person shall demonstrate knowledge of the growth and developmental needs of children through experience and recent training and shall show an understanding of the role of day care in meeting the needs of children and families.

530. SUPPORT STAFF QUALIFICATIONS

III Staff.

If volunteers are used, the responsibilities assigned to them and their qualifications shall be in accord with the personnel policies of the day care center and at no time shall a volunteer regularly replace a staff worker in order to maintain minimum standards of adult-child ratio.

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

See 513. Education

542. Child Caregiver Staff

See 513. Education

543. Support Staff

See 513. Education

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

V Children's Program.

Program planning shall consider the age and developmental level of the children, the needs of individual children, the experience offered children in their home and goals which children's families have for them.

A flexible daily schedule for each age group shall be posted in their area.

When planning the program, the staffs shall make provision for:

Time for special attention for children who need it (new children, emotionally upset children, etc.).

A variety of materials and activities which permit children to make choices.

Daily activities with music, science, literature, dramatics, art, language, manipulative activities, large muscle activities, etc.

Regularity in the schedule and a routine for meals, snacks, naps, washing up.

Quiet activities which are teacher directed in the late afternoon when children are waiting to go home and are tired from the long day in the center.

Opportunities for children to play alone as well as in groups.

Nap time for all pre-school age children and a rest period for all school children who spend the day in the center. Length of time for rest period shall be kept flexible in order to meet individual needs.

Quiet activities for children who do not sleep. Children who do not fall asleep shall remain on cots no more than one hour.

When operating the program the staff shall:

Assist and encourage the child in becoming independent.

Assist, where needed, in the development of self-help skills such as washing hands and face, dressing, eating and toileting.

Provide time so that each child may proceed at his own rate of speed.

Allow children to move from one activity to another.

Permit children to go to the toilet and get water as they feel the need.

Insure that performance standards are set at a level within the range of the children's abilities and encourage children to meet these standards.

Insure that the length of time which children spend in any one group activity is determined by the developmental level of the children; usually the younger child has a shorter attention span.

Make provision for active and vigorous play such as water play, pounding, molding clay, digging, etc., and provide suitable space and equipment.

When operating the program, staff shall avoid:

Long hours of unnecessarily rigorous practice for programs, recitals, special events, etc.

Keeping children waiting in lines or assembled in large groups in the interval between activities.

Formal instruction in academic subjects beyond the developmental level of the children.

Loud, profane or abusive language.

612. Program Equipment and Materials

VIII Equipment.
There shall be in the day care center the equipment necessary to facilitate the program and such furnishings and equipment shall be sufficient in quantity to insure that each child shall have opportunity to participate in many kinds of activities appropriate for the developmental level of children in care.

Play equipment shall be stored in low open shelves, easily accessible to children.

Furnishings shall include appropriate sized tables, chairs and storage space sufficient for all children served and the program planned. There shall be available one cot, a sheet, a lightweight cover, and one chair for each child enrolled.

There shall be sufficient outdoor equipment to provide a varied outdoor program for children.

613. Nap Provision

V Children's Program.
When planning the program, the staffs shall make provision for:

> Alternate periods of active play and quiet periods. There should be quiet periods before lunch, before unusually stimulating experiences, after vigorous play.
>
> Nap time for all pre-school age children and a rest period for all school children who spend the day in the center. Length of time for rest period shall be kept flexible in order to meet individual needs.

When operating the program the staff shall:

> Set up a quiet, dim area for naps. Cots shall be placed with one foot of space from cot to cot and children placed on cots with a distance of four feet from head to head. Children shall be supervised by a responsible adult throughout the nap period. Cots shall be large enough to permit children freedom of movement. There shall be an aisle of at least two feet between rows of cots.

VIII Equipment.
Cots, sheets and lightweight covers shall be marked for individual use.

The day care center shall provide for each infant an individual crib, a waterproof mattress, and linens. Crib size shall be determined by the size and age of the child.

614. Discipline and Guidance

V Children's Program.
Staff shall avoid using any disciplinary techniques which are hurtful, frightening, mentally or physically injurious, or humiliating to the child, and associating punishment with food, rest, isolation because of illness, or toilet training.

VI Nutrition and Food Service.
No child shall be deprived of meals and snacks or forced to eat as a punishment, nor shall meals and snacks be used as a reward.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

VII Health and Safety.
No staff person or volunteer who is suffering from a contagious disease or illness shall be present in the center.

Parents or guardians of all children enrolled and local health officials shall be notified when a communicable disease has been introduced into the center.

712. Health Assessments

VII Health and Safety.
For every child admitted for regular care or frequent "drop-in" care there shall be on file a recent statement from a physician or health agency that the child is in good health and that any known special condition is under treatment.

713. Immunizations

See 341. Children

714. Sanitation

VII Health and Safety.
In order to protect and promote the health and safety of children, the center shall maintain the rooms in which the children are housed clean and odor free and require that the staff keep the children clean, dry and comfortable. Bed linens shall be kept clean and dry.

Diaper changing, soiled linens and diapers shall be handled in a sanitary manner.

Staff members shall practice adequate personal hygiene such as washing hands thoroughly at meal time and between diaper changes. Separate equipment for diapering each child shall be used.

VIII Equipment.

Individual washcloths and towels shall be provided for all children. Paper towels may be substituted for groups other than the infant and toddler groups.

Each child shall be provided a single service drinking cup when approved drinking fountains are not available. Cups shall be discarded after each use.

IX Building and Grounds.

The grounds shall be kept clean and free from litter.

715. Daily Illness Screening

Not specified

716. Care of Sick Children

VII Health and Safety.

Every center shall clearly define its policy on care of children with communicable disease or acute illness.

Any child showing symptoms of illness during the day shall be removed from the group to the quiet area where he shall receive necessary attention until such time as the center and his parents can make plans for his care elsewhere, or until he is ready to return to the group.

Parents shall be notified immediately of any illness or injury to the child in the center and their specific instructions regarding action to be taken shall be obtained.

The center shall have a written arrangement with a nearby physician, clinic or hospital so that immediate treatment can be obtained in emergencies.

717. Medication and Special Diet Provisions

VII Health and Safety.

No medication shall be given by the staff except in special circumstances arranged by the Center Administrator at which time a signed note from parent or guardian giving permission must be on file in the center.

718. Waiver of Health Requirements

Not specified

720. SAFETY

721. General Safety Requirements

IX Building and Grounds.

Hazardous maintenance and construction work shall take place only during hours children are not in the center.

Climbing equipment and swings shall have a resilient surface beneath and shall be securely stationed.

The outdoor play space shall have a surface suitable for varied activities. Hard surfaces, such as gravel or paving shall be kept to a minimum. Some shade shall be provided.

722. Fire Safety Requirements

X Fire Safety Requirements.

An approved fire evacuation drill shall be executed not less than once per month. Records of drills shall be maintained for review by Fire Safety Inspectors. The record shall include the date and time of the drill as well as any problems encountered and action taken to correct problems.

The center shall be kept free of unnecessary combustible material and fire hazards.

Wastebaskets and other waste containers shall be of metal or non-combustible material approved by the State Fire Marshal's office.

Closet door latches shall be such that children can open the door from inside the closet.

Bathroom and other inside door locks shall be designed to permit opening of the locked room from the outside of the room in an emergency and the opening device shall be readily accessible to the staff.

Use of floors above the floor of exit discharge (ground floor) shall be approved only in accordance with the type of construction as listed in the 1973 Life Safety Code.

The center shall formulate and post in each room in a place clearly visible a plan for evacuation of the building in case of fire. All employees shall be instructed and kept informed respecting their duties under the plan.

Electric outlets within reach of children shall be plugged or covered.

Heating systems, to be approved, shall have adequate protective coverings or guards to insure that children coming into contact with them shall not be burned. All fuel heating equipment shall be properly vented to the outside air. Gas fired heating equipment shall be provided with approved automatic safety pilots. Fuel oil fired heating equipment shall be in a room segregated from occupied spaces by one hour fire rated construction.

Portable fire extinguishers shall be provided so that at least one 2Z rated fire extinguisher is provided for each 3,000 square feet of floor space with not less than one per floor. In addition, at least one 10 pound CO^2 or 5 pound dry chemical extinguisher shall be provided for kitchens.

A multipurpose ABC extinguisher per floor for each 3,000 square feet with at least a 2A rating may be used in lieu of the extinguishers noted above. Extinguishers shall be readily accessible to the staff. Extinguishers shall be serviced annually in accordance with NFPA Standard 10A. They shall be hydrostatically tested in accordance with the noted standard every five years. All staff members shall be trained to use portable fire extinguishers.

Receptacles and outlets services by extension cord type wiring are prohibited.

723. Transportation

II Administration.

Each day care center shall have a safe vehicle and a licensed driver available at the center at all times.

XI Transportation.

Each day care center shall have in writing a plan for transportation which shall include the following information:

A current list of the children transported.
The distance each child is transported.
The name of each driver.
The year, make and the model of each vehicle used.
The name, address of the insurance company or agent.

A signed agreement with parents which insures that parents or parent substitutes will supervise the children until they are on board the transporting vehicle and will be available to assume responsibility for children when they are returned home.

The pick up and delivery times of each child transported.

Procedure to be followed when parent is not at home to receive child.

Transporting vehicles shall be parked so that no child will have to cross the street in order to meet it or in order to arrive at a destination.

Unless accompanied by his parents, no child shall be required to travel more than 45 minutes on each trip between his home and the day care center.

Vehicles used for transporting children shall be kept in safe operating condition, licensed in accordance with state laws, and bear a current inspection sticker as required by the Georgia Department of Public Safety.

Any vehicle used for the transportation of children shall be provided with safety door locks or equipped so children cannot open the doors.

The number of children occupying or the loading limit for any vehicle used for transporting children shall not exceed 20 percent above the manufacturer's rated seating capacity of the vehicle. It is the responsibility of the center to obtain the manufacturer's rated seating capacity and adhere to it at all times.

Children shall be seated in a comfortable, safe and adequate space at all times when the vehicle is in motion.

Children under 19 months of age shall either be held in the arms of the non-driving adult or be provided with approved infant seats or carriers. No more than two infants shall be the responsibility of any one non-driving adult while children are being transported.

Each vehicle used for transporting children shall be uncluttered, thoroughly clean and free of hazardous objects at all times.

Children shall not be left unattended in a vehicle.

The motor shall be turned off, key removed and brakes set any time the driver leaves the bus.

Every vehicle shall be equipped with at least a four pound CO_2 or four pound dry chemical type fire extinguisher (suitable for Class B fire).

Children in transportation vehicles shall have at least one adult supervisor at all times. A minimum of two adults (the driver and non-driver) is required when children under three are transported, when handicapped children are transported, and when more than six children occupy the vehicle.

There shall be no more than three persons in the front seat including the driver.

Children shall not be permitted to ride in the front seat unless each such child be secured with an automobile seat belt.

Windows in the transportation vehicle shall not be more than 50 percent open at any time.

Drivers of transportation vehicles shall have a valid drivers license.

Drivers shall meet the same general qualifications as those set forth for other members of the day care staff.

Drivers shall have training in first aid or medical self-help.

The vehicle shall be equipped with a first aid kit.

724. Safety Requirements for Equipment

VIII Equipment.

All equipment shall be safe, shall be kept clean and in usable condition. Special sanitary care shall be given to equipment and materials mouthed by infants and toddlers.

725. Water Activities (Including Swimming)

V Children's Program.

For program activities in water (wading and swimming):

There shall be continuous supervision by a minimum of two adults.

At least one person with the equivalent of a senior Life Saving Certificate shall be on duty when swimming areas are used.

At least one person trained in water safety procedures shall be on duty when wading pools are used.

Staff shall be appropriately dressed for entering the water in an emergency.

The number and ages of the children using either swimming or wading areas shall be limited at any one time to allow appropriate supervision.

A staff/child ratio of at least 1 - 4 shall be maintained when non-swimmers are using the swimming area.

IX Building and Grounds.

Swimming and wading pools shall be treated and kept clean, and shall be inaccessible to children when not supervised.

726. Emergency Procedures

VII Health and Safety.
Emergency plans for fires, thunderstorms, tornadoes, etc., shall be posted in each room.

727. First Aid Supplies

VII Health and Safety.
A first aid kit equipped with soap, bandaids, sterile gauze squares, adhesive tape, thermometer, and tweezers shall be maintained.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

VI Nutrition and Food Service.
Meals served in the day care center shall be planned with the child's daily food needs in mind and shall complement the meals served in the child's own home.

Children who are in care five or more hours shall receive a minimum of one-third of their nutrients in the center; a nutritious snack or breakfast, a hot noonday meal, and a midafternoon snack. Children shall be served a minimum of 8 ounces of milk per day.

Children in care ten hours or more shall have an additional meal, either breakfast or supper, depending upon hours of care. Milk shall be available at this meal.

Fruits and fruit juices shall be included in snacks. Soft drinks, fruit flavored drinks such as Koolaide are not considered to be adequate snacks.

A nutritious afternoon snack shall be served school age children.

Snacks shall be served at least 1-1 1/2 hours prior to meals.

Mealtime shall be a significant learning experience; i.e., children learn what things are made of; shapes, textures, etc. Sufficient time and a chance to enjoy learning to eat with others shall be provided.

Current menus including snacks shall be posted (and followed) in the center and be available to parents.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

VI Nutrition and Food Service.

Furniture and utensils shall be of a size appropriate for children. There shall be enough utensils to serve adequately all the children enrolled.

Food service facilities and program shall meet the Rules and Regulations for Food Service, Georgia Department of Human Resources.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

II Administration.

The director shall seek to establish open communication with the parents, such as establishing routine visitation times in the center, parent-teacher consultations and other means of parent involvement.

The parent or person legally responsible for a child enrolled in the center shall, at any time the child is in attendance, be permitted access to all parts of the center.

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

V Children's Program.

For children under three years of age:

> The staff shall plan for times each day when children are given individual attention and stimulation and shall provide opportunity for children to play outside cribs and playpens.
>
> When weather and the child's health permit, each child shall spend some time outdoors daily.

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

VI Nutrition and Food Service.

For infants under one year of age, the center shall secure from the parents a formula and feeding plan; this plan shall be on file in the center and followed in detail. Formulas shall be clearly marked.

Pre-modified formula shall be available in case a formula preparation is spilled. Unused formula shall be thrown away and not offered at the next feeding.

In planning diet, the introduction of solid foods, etc., for infants, the day care center shall follow the directions of the parent or pediatrician. In lieu of these, "The Infants Feeding Booklet" shall be followed.

Infants shall be fed individually and those unable to sit alone shall be held while being fed.

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

V Children's Program.

Day care centers which provide care for children enrolled in grade school shall plan a program which is appropriate for and meets the needs of the children including snacks, outside play, and quiet time for homework and games.

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

VIII Equipment.

Each child shall be assigned an individual hook, and shelf space or locker (cubbie) which is within the child's reach.

IX Building and Grounds.

The building or portion of the building to which children have access shall be used only for program of child care during the hours that the center is in operation. Children under three years of age shall be housed in separate rooms from older children.

Rooms lower than three feet below ground level on all sides shall not be used for the children's activity program. Basement areas in excess of 25 linear feet of wall space from a window shall not be used for housing of children.

The indoor areas, room or rooms, used for the play, rest and eating activities of the children shall provide at least thirty-five square feet of usable space for each child present in the center.

There shall be space provided outside the children's play area, for storage of cots and equipment.

The outdoor play space shall be safe, easily supervised and located adjacent to the day care center, or which can be reached by a safe route or method approved by the Licensing Staff. It shall contain at least 100 square feet of usable play space per child in any group using the play area at one time and shall provide opportunity for many kinds of experience.

The playground area shall be fenced or otherwise protected (with approved barriers) from traffic or other outside hazards.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

IX Building and Grounds.
An evenly distributed temperature of approximately 70 degrees shall be maintained at a level twenty-four inches above the floor.

There shall be artificial lighting to provide a minimum of twenty-five to thirty-five candle power in play areas where natural light fails to provide this intensity.

The children's playroom shall have outside windows which equal not less than 10 percent of the floor area in each room. Windows shall be so low that children can see out. Fifty percent of required windows shall be operational with approved screens. All floor level windows shall have protective devices.

1430. EXITS

IX Building and Grounds.
Hallways shall be adequately lighted, provide a clear passage free from obstructions, and terminate with approved exits.

X Fire Safety Requirements.
There shall be at least two approved means of egress from each floor occupied for day care or related occupancy. Exit access shall lead to at least two exits remote from each other so that no single fire can block the use of more than one means of egress.

1440. TOILETS AND LAVATORIES

IX Building and Grounds.
The following ratios of toilet and lavatory facilities shall be provided:

Number of Children	Toilets and Lavatories
1 - 12	1
13 - 25	2
26 - 50	3
51 - 75	4
76 - 100	5
101 - 125	6
126 - 150	7
151 - 175	8

For toddlers, one flush toilet must be available. Two nursery chairs may be substituted for each subsequent required toilet for the toddler group.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

X Fire Safety Requirements.

All day care centers shall comply with the 1973 Life Safety Code of the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210, except as modified by the Board of Human Resources. Any such modification of the 1973 Life Safety Code shall be adopted by the Board of Human Resources as standards and copies shall be available from the Georgia Department of Human Resources.

Fire prevention inspections shall be conducted monthly by a trained senior member of the staff. A copy of the latest inspection form shall be posted in a conspicuous place in the center.

1530. BUILDING

Not specified

1540. HEALTH

Not specified

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

IX Building and Grounds.

The individual or agency planning the construction of a new center, remodeling, or adding to an existing structure shall first have the plans approved by local building authorities. In those areas where there is no local building code the Southern Standard Building Code shall apply.

Plans for construction or renovation shall be submitted to the Licensing Unit for approval.

Location of facility shall be approved by the local zoning authority.

The fire safety requirements specified in these Rules and Regulations shall apply where there is conflict with local standards unless the latter are more restrictive.

Except where otherwise noted, all citations are from the Guam Department of Public Health and Social Services, Standards for Child Care, 1972.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

Section I General Provisions.
Child Care Facilities means any person or place which receives or arranges placement of one or more children who are not related to such person, whether for gain or otherwise, apart from the parents or guardian, with or without the transfer of the right of custody, for the purpose of providing regular care or training for such child or children during the day or night, or both.

Day Care Center. A group care facility operated under public or private auspices serving twelve or more children for a portion of a 24-hour day. Planned activities are determined by the child's age, development, special needs, family situation, and hours of care.

112. Exclusions and Exemptions

Section I General Provisions.
No license is required for the following:

> care of a relative, friends, or neighbor's child(ren), with or without compensation, where the person furnishing such care does not regularly engage in such activity and does not advertise or hold himself out as conducting a child care facility.

parents who, on a mutually cooperative basis, exchange of one another's children.

care of children in their own home.

a hospital, clinic, or educational institution.

kindergarten or nursery schools operated by public or private elementary or secondary level school systems.

facilities operated in connection with a shopping center where children are received while parents are on the premises.

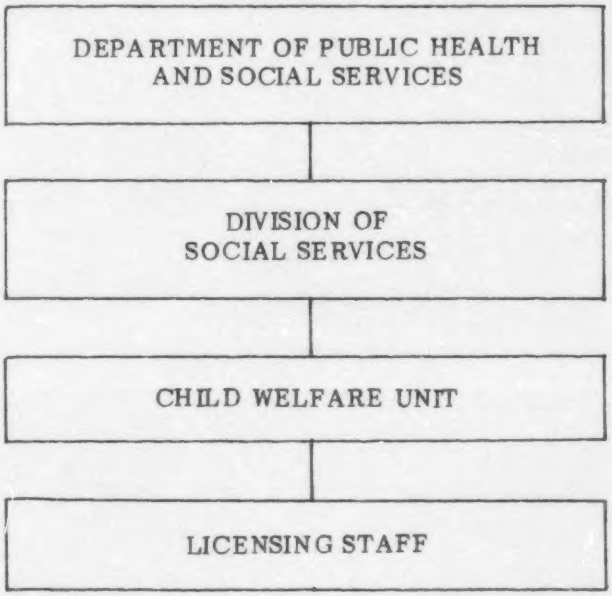
facilities operated in connection with a church where children are received while parents are on the premises.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit


DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIVISION OF SOCIAL SERVICES
CHILD WELFARE UNIT
LICENSING STAFF

Guam has only one licensing worker, and all licenses are issued and revoked at the territorial level.

122. Responsible Official

All inquiries should be addressed to:

Administrator, Division of Social Services
Department of Public Health and Social Services
P. O. Box 2816
Agana, Guam 96910
(671) 734-9912

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

Section I General Provisions.
The Government Code of Guam authorizes the Department of Public Health and Social Services to adopt standards for licensing all child care facilities, to issue licenses, and to ensure that all provisions of Public Law 11-99 regarding licensing are carried out. The Department may inspect home, center, institution, or place of the performance of any such service.

212. Advisory Body and Other Community Participation

Not specified

220. LICENSING PROCEDURE

221. Application and Issuance

Section I General Provisions - License.

No person, association, or corporation shall, without first having obtained a license from the Division, operate or conduct a child care facility, either with or without compensation.

222. Fee Charged

Section I General Provisions - Application - License Fee.

Application for license or renewal of license of day care facilities shall include the payment of a non-refundable fee according to the following schedule:

Family Day Care	$5.00
Group Day Care	10.00
Day Care Center	25.00

223. Areas of Investigation

Section I General Provisions - Application - Issuance of License.

If, upon examination, the Division is satisfied that the applicant and the facility reasonably meet the qualifications and standards prescribed for the type of facility for which application for license is made, it shall issue to the applicant a non-transferable license designating the type of facility provided for, the number of children to be served, the period for which the license is effective, and any other conditions or limitations (such as age or sex of the children). The license will be valid only with respect to the person and places specified. It shall be also subject to review when there is a change in operating policies.

The license to operate a child care facility shall be prominently displayed at the facility.

224. License Renewal

Section I General Provisions - Application - Renewal of License.

Application for renewal of a license shall be filed 20 days prior to its expiration each year. If, upon review, the Division is satisfied that the facility continues to maintain adequate standards prescribed in these regulations, it shall renew the license.

225. Conditional/Provisional Licenses

Section I General Provisions - Application - Provisional License.

A Provisional License may be issued to a newly established facility or to an existing facility which is out of conformity for child care for a period not to exceed six months to allow such facility reasonable time to become eligible for full license. Renewal of a provisional license shall be left to the Department's discretion.

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

See 211. Promulgation of Regulations

232. Denial, Suspension, Revocation of a License

Section I General Provisions - Application - Denial of License.

If the application study indicates that the operator or the facility does not meet applicable standards, the license shall be denied. If an applicant is denied a license, a letter shall be written to the applicant stating the reasons for denial.

Failure to comply with any rule or regulation, or refusal to renew the license of any child care facility is reason for revocation or suspension of a permit or license by the Division.

233. Remedies and Sanctions

233.1 Hearings

Section I General Provisions - Application - Hearing.
Any person whose permit or license is denied, revoked, or suspended shall have the right to a hearing with the Director of the Department or his designate, provided such appeal is made in writing not later than twenty days after receipt of the notice of denial, suspension, or revocation.

233.2 Decisions

Not specified

233.3 Judicial Review

Not specified

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

Section II. Day Care Centers - Organization and Administration.
The organization of a center shall be such that legal responsibility is clearly defined and administrative authority specifically placed. Administrative responsibility shall belong to the owner/operator. In the case of a group sponsored center, responsibility shall belong to a board of directors. Decisions

pertaining to the policies and procedures of a child care, staff employment, finances, and the total organization of the service shall be made by the owner/operator or the group sponsored center -- the board of directors.

Each center shall have a written statement of operating policies and procedures. The statement shall include name of the owner, purpose and goals of center, ages of children accepted, hours of operation, information regarding meals, maximum number of children, fees and plan of payment, regulations regarding illness of children, enrollment procedures, and staff-child ratios. In addition, operators are urged to develop and record policies pertaining to personnel practices.

There shall be at least two adults on duty at all times. No staff person shall be on duty with the children for more than 8 continuous hours.

Each center shall keep the following records:

Statement of operational policies,
List of current staff, including ages, training, experience, and health records,
Daily schedule,
Daily menu,
Emergency information,
Where parents can be located
Name of family physician
Written consent to call another physician if necessary
Roster of enrolled children,
Daily attendance record by name and age,
Completed application form for each child,
Child's health record showing date of last physical examination, list and dates of inoculations and vaccinations, and
Sanitation, building, and fire permits.

The director shall be responsible for:

The overall administration of the center,
Setting up written personnel policies for all staff,
Hiring of staff,
Designating staff responsibilities, and
Arranging for health supervision of children.

312. Telephone

Section II Day Care Centers - Physical Plant - Health, Cleanliness and Safety.

Telephone or other suitable means of transportation or communication for emergency purposes shall be provided.

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Not specified

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS

341. Children

See 311. General Administrative Requirements

342. Staff

Section II Day Care Centers - Personnel - Staff Members.

All employees shall have a valid health certificate. Operators of child care centers must obtain a valid health permit. Volunteers also must have valid health certificates when providing services.

343. Child Eligibility and Enrollment Requirements

Section II Day Care Centers - Admissions.

The Center shall require a report of a physical examination of each child by a licensed physician. Such examination shall be current within 90 days prior to admission.

The center shall require verification of the child's birthdate and shall keep on file evidence that the date of birth has been verified.

At least one parent or guardian shall be interviewed prior to the child's admission to the center. The personal interview is to secure pertinent information on the child's overall behavior and to acquaint the parents with the center's policies.

Each center shall secure written permission from parents or guardians before taking children on excursions.

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

Section II Day Care Centers - Organization and Administration - Administration.

The number of children per staff member, excluding staff for cooking and maintenance, shall not exceed:

5 children under 1 years of age
8 children age 1 to 2
10 children age 2 to 3
15 children age 3 to 4
20 children age 4 to 5
25 children age 5 and up

In any combination of two or more age groups, the maximum number shall be that of the youngest age group.

412. Methods of Computing Staff/Child Ratios

See 411. Staff/Child Ratio as of March, 1981

420. GROUP SIZE

421. Group Size as of March, 1981

See 411. Staff/Child Ratio as of March, 1981

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

Section II Day Care Centers - Personnel - Staff Members.
Each center shall have at least one regular staff member who is a mature, responsible person, 18 to 65, capable of handling emergencies, and trained in first aid.

512. Health

Section II Day Care Centers - Personnel - Staff Members.
In employment of all staff members, consideration shall be given to:

Ability to work with children objectively.
Ability to understand and care for children and a liking for children.
Knowledge of the needs and feelings of children.
Good moral character.
Good physical and mental health.

Operators and members of the household or staff shall be free from disease which may be transmissible to others.

513. Education

Not specified

514. Experience

Not specified

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

Not specified

522. Health

See 342. Staff and 512. Health

523. Education

Not specified

524. Experience

Not specified

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

Section II Day Care Centers - Care of Children - Program.
There shall be a well-balanced daily program appropriate to each child's age. Sufficient equipment and individual supplies shall be available to assure the healthy, physical, mental, and spiritual development of the child.

Centers shall have a framework for activities that is predictable but not rigid. Program should be well planned but opportunity must be presented for the child to do some things on his own initiative.

Children must be supervised at all times whether their activity is planned or optional.

612. Program Equipment and Materials

Section II Day Care Centers - Care of Children - Program.
Play materials and equipment shall be carefully selected and presented to stimulate interest and learning and to enhance different aspects of the child's development--language, coordination, imagination, cooperation.

613. Nap Provision

Section II Day Care Centers - Physical Plant - Capacity and Occupancy.
Separate cots shall be provided or, in lieu thereof, if floor is carpeted either mats or pads may be used. Cots, mats, or pads shall be placed at least two feet apart.

614. Discipline and Guidance

Not specified

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Section II Day Care Centers - Care of Children - Health.
Operators of child care facilities shall provide good physical care and help a child grow and develop physically, mentally, emotionally, and spiritually at his own pace.

712. Health Assessments

Section II Day Care Centers - Care of Children - Health.
Written medical reports and health information shall be on file for each child, including report of a physical examination, immunization records, pertinent information regarding any particular health problems, or any specific instructions regarding care or feeding for the child.

713. Immunizations
See 712. Health Assessments

714. Sanitation

Section II Day Care Centers - Physical Plant - Location and Premises.
Centers shall be clean and sanitary with proper means of refuse disposal.

Centers shall have proper disposal of sewage with all plumbing outlets connected to an approved sub-surface sewage disposal system or a sewer system.

Soap and individual towels shall be provided.

The water supply shall be adequate and of a safe sanitary quality.

Adequate and approved drinking facilities shall be provided.

Separate towels, washcloths, and drinking cups shall be provided for each child.

Both indoor and outdoor areas shall be adequately protected and maintained against flies, roaches, mosquitoes, and rodents.

All areas, facilities, and equipment shall be kept in a neat, clean, and sanitary condition.

Cots and mats shall be cleaned, disinfected, and aired daily.

Toilet, lavatory, and bathing facilities including floor areas, and kitchen floors, shall be scrubbed.

715. Daily Illness Screening

Not specified

716. Care of Sick Children

Section II Day Care Centers - Care of Children - Health.
Any child showing signs of illness must be isolated from other children until arrangement can be made for his care.

The regulations of the Department of Public Health on communicable disease shall be followed where children show symptoms of communicable disease.

717. Medication and Special Diet Provisions

Section II Day Care Centers - Care of Children - Health.
No medication shall be given without the signed consent of a parent and special drugs shall be given only when prescribed for a child by a physician.

718. Waiver of Health Requirements

Not specified

720. SAFETY

721. General Safety Requirements

Section II Day Care Centers - Physical Plant - Buildings Used for Day Care Centers - Electrical Circuits.

Electrical circuits shall be maintained with proper fuse protection and shall be installed in accordance with the National Electrical Code.

Extension cords shall not exceed 10 feet in length and shall not extend from one room to another, nor shall they be stapled or nailed or otherwise permanently fastened to walls, floors, ceilings, or be run under rugs.

Gates at the head of stairs and handrails on stairways shall be provided.

All poisons and dangerous chemicals shall be stored in a safe location and out of reach of children.

Cleaning equipment and supplies shall be stored in locked closets or cabinets.

No other enterprise shall be conducted on the premises during hours while the child care center is in operation.

722. Fire Safety Requirements

Section II Day Care Centers - Physical Plant.
Fire Extinguishers CO_2, #15 must be provided in each center.

723. Transportation

Not specified

724. Safety Requirements for Equipment

Not specified

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

Not specified

727. First Aid Supplies

Section II Day Care Centers - Care of Children - Health.
First aid supplies shall be kept on hand.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

Section II Day Care Centers - Care of Children - Health.
Centers caring for children through mealtime shall provide adequate nutritious food appropriate to the age of the child at normal mealtime intervals.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

Not specified

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Not specified

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

Not specified

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

Section II Day Care Centers - Physical Plant.

There shall be adequate outdoor space available. The play area shall be free of litter, glass, nails, and other obvious hazards. The play area shall be on the premises adjacent to the indoor area. It shall be fenced or protected with the entire area easily supervised. It shall be fenced if adjacent to a street or other hazard. A space equal to at least 75 square feet per child is recommended.

It shall be the responsibility of the operator to meet the following standards which conform to the construction standards of the current local ordinances. The latest edition Uniform Building Code takes precedence.

> For daytime care, there shall be a minimum of 35 square feet per child of indoor area, excluding bathroom, kitchen, cupboard space, and hallways.
>
> For nighttime care, there shall be a minimum of 50-square feet per child of indoor area, excluding bathroom, kitchen, cupboard space, and hallways.
>
> A lanai which has a roof, is protected from rain, and provides for safe activity, may be counted as indoor or outdoor space.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

Section II Day Care Centers - Physical Plant - Buildings Used for Day Care Centers - Health, Cleanliness and Safety.

Adequate artificial lighting shall be provided in all indoor areas.

1430. EXITS

Section II Day Care Centers - Physical Plant - Buildings Used for Day Care Centers - Existing Buildings.

Corridors with dead ends are permitted when the dead end does not exceed 20 feet in length.

Stairways serving an occupant load of more than fifty shall be not less in width than 44 inches. Stairways serving an occupant load of 50 or less may be 36 inches wide.

The rise of each step in a stairway shall not exceed seven and one half inches (7-1/2") and the run shall not be less than ten inches (10").

In every building, four or more stories in height, one stairway shall extend to the roof surface, unless the roof has a slope greater than four in twelve.

The slope of a ramp shall not exceed 1 foot in 8 feet.

A ramp with slope exceeding 1 foot in 10 feet shall have handrails as required for stairways.

The surface of ramps shall be roughened or shall be of nonslip materials.

Exit doors shall swing in the direction of exit travel when serving any hazardous area or when serving an occupant load of fifty.

Every required exit doorway shall be of a size as to permit the installation of a door not less than three feet (3') in width and not less than six feet, eight inches (6'8") in height.

Revolving, sliding and overhead doors shall not be used as required exits.

Exits shall be so arranged that it is possible to go in either direction from any point in a corridor to a separate exit.

1440. TOILETS AND LAVATORIES

Section II Day Care Centers - Physical Plant - Buildings Used for Day Care Centers - Toilet Facilities.

There shall be a minimum of one toilet and one basin conveniently located for every fifteen children. Facilities shall be separated for each sex.

Water closets and wash basin shall be of suitable height and size and so equipped as to be readily accessible to the children.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Section II Day Care Centers - Physical Plant - Buildings Used for Day Care Centers - Existing Buildings.

Setbacks of building shall conform to the zoning law.

1520. FIRE

Not specified

1530. BUILDING

Not specified

1540. HEALTH

Not specified

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

Section II Day Care Centers - Physical Plant - Buildings Used for Day Care Centers - New Construction.

Plans for any new buildings and alterations of existing buildings of day care centers shall be submitted to the Department of Public Works, Building Permit Section and Department of Public Health and Social Services, Bureau of Environmental Health and Consumer Protection before any work is carried out.

Except where otherwise noted, all citations are from the Hawaii Department of Social Services, Rules and Regulations Governing Day Care Centers, April, 1966.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

Section I - Definitions.

A group day care center (hereinafter referred to as center): A place maintained by any individual, organization or agency for the purpose of providing group care for 6 or more children with or without charging a fee during any part of a twenty-four hour day, regardless of the duration of operation.

The term group day care center shall include day nurseries, nursery school groups, pre-school, child play groups, parent cooperatives, or other similar units operating under any name whatsoever.

112. Exclusions and Exemptions

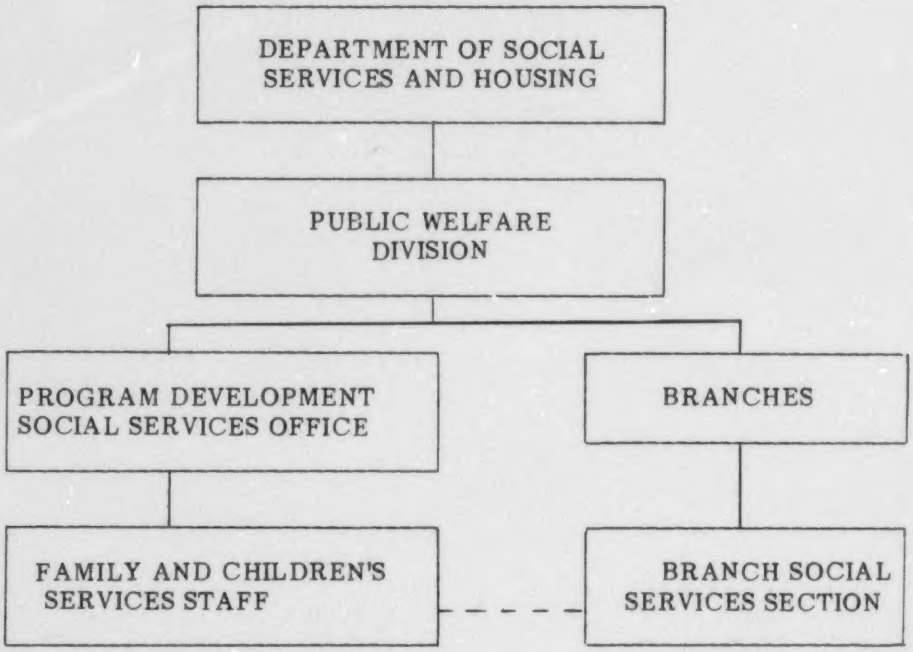
Not specified

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit


DEPARTMENT OF SOCIAL SERVICES AND HOUSING
PUBLIC WELFARE DIVISION
PROGRAM DEVELOPMENT SOCIAL SERVICES OFFICE
BRANCHES
FAMILY AND CHILDREN'S SERVICES STAFF
BRANCH SOCIAL SERVICES SECTION

The Public Welfare Division of the Hawaii Department of Social Services and Housing is divided into branches which are like regions or districts. All licenses are issued and revoked and all day to day licensing functions are carried out at the branch level. The state central office monitors and provides consultation to the branches.

122. Responsible Official

All inquiries should be addressed to:

Asst. Program Administrator - Day Care
Public Welfare Division
Department of Social Services and Housing
P. O. Box 339
Honolulu, Hawaii 96809
(808) 548-2302

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

HAWAII REV. STAT. §108-11.3 Rules and regulations; minimum standards. The department of public welfare (department of social services) after consultation with the department of health, the department of public instruction, (department of education) and the fire marshal shall make, prescribe, and publish such rules and regulations as shall be deemed necessary to protect the best interests of minor children and to carry out the purposes of this Act. The rules and regulations when approved by the governor shall have the force and effect of law, and shall be administered by the department of public welfare (department of social services).

212. Advisory Body and Other Community Participation

Not specified

220. LICENSING PROCEDURE

221. Application and Issuance

Section II - Certificate of Approval - Application.

Any person, organization, or agency desiring to operate a group day care center shall submit an application to the Department for a certificate of approval. The application shall include:

Written statement of operating policies of the center.

Statement of legal authority.

Number of staff members anticipated and their duties.

Four copies of the floor plan of the building, indicating its location on the property (not applicable on renewals).

Issuance of Certificate of Approval.

When the inspection reports indicate that the center is in compliance with these regulations, a certificate of approval shall be issued by the department for a period of one year.

The certificate of approval shall specify the name and address of the center to which it is issued, the maximum number and ages of children for whom it is licensed to give care.

The certificate of approval is non-transferable when the person(s) or organization to whom it is issued ceases to operate the center.

The certificate of approval is subject to review when:

There is a change in location.

There is a change in operating policies.

The certificate of approval shall be conspicuously posted at the center.

222. Fee Charged

Not specified

223. Areas of Investigation

Not specified

224. License Renewal

Section II - Certificate of Approval - Renewal of Certificate of Approval.
At least thirty days prior to the expiration of the current certificate, the center shall apply for renewal of its certificate.

An inspection shall be conducted upon the receipt of the renewal application, and a certificate of approval shall be issued if the applicant conforms to all regulations.

225. Conditional/Provisional Licenses

Section II - Certificate of Approval - Temporary Permit.
The Department may issue a temporary permit for a period up to six months to any applicant who is temporarily unable to conform to all of the regulations.

Renewal of such a permit shall be left to the Department's discretion.

226. Substantial Compliance

Section VIII - Exceptions.
Exceptions to the regulations may be made at the discretion of the Department.

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

Section VIII - Exceptions - Inspection of Center.
The Department shall arrange for appraisal and inspection of the center to determine whether the center meets established regulations.

Reports of the inspection shall be kept on file by the Department.

232. Denial, Suspension, Revocation of a License

Section VIII - Exceptions - Denial of Certificate of Approval.
A certificate of approval shall not be issued when the inspection indicates to the Department that the center does not meet the requirements of these regulations.

The Department shall send a written statement to the center, giving reason(s) for denial of a certificate of approval.

Any center denied a certificate of approval may request, and shall be granted, an opportunity to discuss with the Department the reason(s) for the denial or shall have the right to a hearing with the Director of the Department.

Suspension and Revocation.
Whenever a center fails to take any action to meet the conditions under which the certificate of approval was granted, the Department shall notify the center, stating specific violation(s) and giving the center a minimum of thirty days' notice to effect necessary corrections.

If a center fails to make the necessary corrections within the stated time limit after such notice is given, the certificate of approval may be suspended or revoked by the Department.

233. Remedies and Sanctions

233.1 Hearings

Section VIII - Exceptions - Hearing.
Any center whose certificate of approval is to be suspended or revoked, shall have the right of a hearing with the Director of the Department, provided such appeal is made in writing not later than ten days after receipt of the notice of suspension or revocation.

Upon receipt of an appeal, the Director of the Department shall arrange to hear the center's appeal.

The final suspension or revocation may, at the discretion of the Director of the Department, be stayed.

233.2 Decisions

Not specified

233.3 Judicial Review and Sanctions

Section IX - Penalty.
Any person wilfully making any false statement or violating these regulations shall be guilty of a misdemeanor and be punishable by a fine not exceeding two hundred dollars.

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

Section III - Organization and Administration - Organization.
The organization of a center shall be such that legal responsibility is clearly defined and administrative authority specifically placed.

The owner and/or operator of a center shall be legally responsible for the administration and payment of debts and obligations.

All corporations shall establish a governing body which shall be legally responsible for administrative control and delegation of authority.

When the center's charter, articles of incorporation, constitution and/or by-laws provide for an advisory board, such a group shall be established.

Each center shall have a director responsible for the total program of the center.

Administration.

Each center shall have a written statement of operating policies. The statement shall include the following information:

Name and address of center.

Name of owner or sponsoring agency (privately owned, church or agency owned, etc.).

Ages of children accepted by the center.

Maximum number of children for whom center is equipped.

Specific hours of day and night operation and whether meals are served.

Whether transportation of children is provided.

Fees charged by the center, including fees for different types of service.

Policy and plan for emergency medical care.

The center shall have a responsible staff member to receive all children upon their arrival at the center each day.

Personnel - Staff Members.

No staff member shall work more than eight hours a day with children.

Provision shall be made for rest periods and lunch hours.

The director shall be defined as that individual whose prime responsibility is to administer the center and develop the total program.

The director, unless other provisions are made, shall be responsible for:

The overall administration of the center.

Setting up written personnel policies for all staff.

Hiring of staff.

Designating a person to be responsible in his absence, even if the absence is for any part of the day.

Arranging for adequate health supervision for children under care.

The teacher has prime responsibility for planning and carrying out the educational program to which she is assigned.

The teacher shall be responsible for:

Planning and continuing contacts with parents.

Working cooperatively with the director, other teachers and staff in planning and carrying out the total center program.

Keeping appropriate records of each of the children.

Observing and evaluating the child's growth and development.

The assistant teacher shall be defined as an assistant to the teacher and she may be responsible for the group during the absence of the teacher.

Section VI - Care of Children - Program.

Children and staff are not exploited in fund raising campaigns to the detriment of the children and other aspects of the program.

312. Telephone

Not specified

313. Proof of Operator Financial Capabilities

Not specified

314. Insurance

Section III - Organization and Administration - Administration.

Each center shall subscribe to a policy of liability insurance for bodily injury in the minimum amount of five thousand dollars per child and ten thousand dollars per accident.

320. PERSONNEL

321. Publication of Personnel Policies

Section III - Organization and Administration - Administration.
Each center shall keep a statement of operational policies.

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS

341. Children

Section III - Organization and Administration - Administration.
Each center shall keep the following records:

Emergency information.
Where parents can be located.
Name of family physician.
Written consent to call another physician when the family physician cannot be contacted.
Roster of enrolled children.
Daily attendance record by names of children and ages.
Completed application form for each child.
Child's health record.

Section IV - Admissions - Admission Information.
Each child's application form for admission to the center shall include:

Name of child, home address, birthdate, sex.
Business address and telephone number of parents and any other person responsible for the child's care.

Family physician who may be called.

Specific hours of day and/or night child is under care.

Admission Policies.

The center shall require a report of a physical examination by a licensed physician. Such examination shall have taken place within 90 days prior to the child's admission to the center.

The center shall require verification of the child's birthdate and shall keep on file evidence that the date of birth has been verified.

Each center shall secure written premission from parents or guardians before taking children on excursions.

Section VI - Care of Children - Health.

Health records should be maintained for each child and kept reasonably up-to-date at all times. Individual notes of staff observations about significant developments should be included. When the child leaves the center, the health records may be turned over to the parent or the child's school.

342. Staff

Section III - Organization and Administration - Organization.

Each center shall keep a list of current staff members, including ages, training, experience, and health records.

343. Child Eligibility and Enrollment Requirements

Section IV - Admissions - Admission Policies.

At least one parent or guardian shall be interviewed prior to the child's admission to the center; the child shall be interviewed when possible. The personal interview is to secure pertinent information on the child's over all behavior and to acquaint the parents with the center's policies.

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

HAWAII REV. STAT. §108-11.7 Every licensee shall keep such records and shall file with the Department of Public Welfare (Department of Social Services) such reports as the rules and regulations may require. All records and information obtained concerning children and their parents or relatives shall be kept confidential by the licensee and by members of the Department herein named.

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

Section III - Organization and Administration - Organization.

The number of children per staff member shall not exceed:

10 children age 2 to 3 years
15 children age 3 to 4 years
20 children age 4 to 5 years
25 children 5 years and older

In any combination of two or more age groups, the maximum number shall be that of the youngest age group.

Children under 2 years of age shall not be accepted for care.

412. Methods of Computing Staff/Child Ratios

See 411. Staff/Child Ratios as of March, 1981

420. GROUP SIZE

421. Group Size as of March, 1981

See 411. Staff/Child Ratios as of March, 1981

422. Methods of Computing Group Size

See 411. Staff/Child Ratios as of March, 1981

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

Section III - Organization and Administration - Personnel - Staff Members.
Each center shall have at least one regular staff member who is a mature, responsible person, between 18 and 65 years of age, capable of handling emergencies and accidents and trained in first aid.

512. Health

Section III - Organization and Administration - Personnel - Staff Members.
At the time of employment and annually thereafter, all staff shall have a complete health examination including a chest x-ray or tuberculin test in accordance with the current Department of Health's recommendation, except that a volunteer worker need have only a chest x-ray or tuberculin test.

513. Education

Section III - Organization and Administration - Personnel Teacher.
The teacher shall have the following qualifications:

A bachelor's degree from an accredited college or university with courses in early childhood development, childhood education and related fields.

Or, a bachelor's degree from an accredited college or university, supplemented by successful and supervised teaching experience in a nursery-aged group.

Or, two years of accredited college work supplemented by or including professional training in preschool or early childhood education and supervised teaching experience.

Or, the teacher shall have successfully completed an in-service training program in preschool and early childhood education offered by a legally recognized sponsor, including supervised teaching experience in a nursery-aged group.

Exception: An individual serving as a teacher of a center on the effective date of these rules and regulations is exempt from the foregoing qualifications.

The assistant teacher shall have the following qualifications:

Graduation from high school or education preferably in the field of health, child development and family relations; or

Maturity and experience in working with children.

514. Experience

Section III - Organization and Administration - Personnel - Staff Members.
In the employment of all staff members, consideration shall be given to the following:

Ability to understand and care for children, and a liking for children.
Good moral character.
Good physical and mental health.

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

See 511. Age

522. Health

See 512. Health

523. Education

Section III - Organization and Administration - Personnel - Director.
The director shall have the following qualifications:

> A bachelor's degree from an accredited college or university preferably with courses in early childhood education, child development or related fields and 2 years of experience in working with children, or shall have had a combination of 2 years of college education and 4 years of experience in work with children.

An individual serving as a Director of a center on the effective date of these rules and regulations is exempt from the foregoing qualifications.

524. Experience

See 514. Education

530. SUPPORT STAFF QUALIFICATIONS

See 510. CHILD CAREGIVER STAFF QUALIFICATIONS

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

Section VI - Care of Children - Program.

A schedule of activities shall be planned with the following guiding principles:

> There is reasonable regularity with a similar sequence of events for the children from day to day; e.g., regular daily provision for playing, eating, resting, toileting, washing.
>
> There is time for free, spontaneous, active play by the children, with opportunity to choose activities, according to their desires and interest and, within limitations, to move from one activity to another.
>
> There is balance of indoor and outdoor activity which provides for development of large and small muscular coordination.
>
> There is time allowed for the children to do things for themselves and to take responsibility for their own care as they are able.

Rest periods shall be provided as appropriate to the age of children under care.

Program and school space shall be flexible enough to allow for special interests or abilities and maturity level and emotional climate of the children.

There is use of community resources wherever possible in supplementing the program.

Administrative details are cared for without neglect of children.

612. Program Equipment and Materials

Section VII - Physical Plant - Equipment.
Grass or other soft media shall be used under swings, slides, jungle gyms, and similar outdoor play equipment, or other protective measures shall be taken.

All equipment and material shall be of sufficient quantity and variety suited to the size, needs and abilities of the children.

There shall be at least one chair per child and sufficient table space per child scaled to the size and needs of the group to be served, for mealtime and table play activities.

Provision shall be made for equipment for both indoor and outdoor play, for opportunity for children to use small and large muscles, for imaginative play, and creative activities.

613. Nap Provision

Section VI - Care of Children - Program.
Rest periods shall be provided as appropriate to the age of children under care.

Section VII - Physical Plant - Equipment.

The following sleeping equipment shall be provided:

> Individual cots or adequately insulated and protected bedding for all children who rest.
>
> Individual beds for children who are at the center during the night.

Cribs and beds used by children during the night shall be at least 3 feet apart.

All cribs and sheets or covers for cots shall be provided on an individual basis.

614. Discipline and Guidance

Section VI - Care of Children - Program.

Constructive methods leading to development of self-discipline are used for maintaining group control. Staff shall not use any technique which is humiliating or frightening to the children.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Not specified

712. Health Assessments

Section VI - Care of Children - Health.

Children shall have a physical examination at least once a year after admission to the center.

See also 341. Children

713. Immunizations

See 341. Children

714. Sanitation

Section VI - Care of Children - Program.

There are plans for keeping the plant and equipment clean and in order without undesirably interfering with the children's activities or endangering their health or safety.

Section VII - Physical Plant - Location and Premises.

The center shall:

Be located in a safe and sanitary area and shall conform to laws and regulations of the State, City and County, and county governments.

Be clean and sanitary with proper means of refuse disposal.

Have proper disposal of sewage with all plumbing outlets connected to a cesspool or a sewer system.

Pets.

Housing of all pets, animals, and fowl shall be maintained in a safe and sanitary manner at all times.

No vicious animals or any insects that are dangerous to health and safety shall be kept on the premises.

715. Daily Illness Screening

Section VI - Care of Children - Health.

There shall be a health inspection each day by a person instructed on inspection of each child upon his arrival at the center for any indication of illness.

There shall be continued observation of all children throughout their stay in the center so that any illnesses will be detected and handled appropriately.

716. Care of Sick Children

Section VI - Care of Children - Health.
A child who becomes ill after he is admitted to the center shall be isolated from the rest of the group, but within call of an adult, until the parent can call for him.

The regulations of the Department of Health on communicable disease shall be followed where children show symptoms of communicable disease.

717. Medication and Special Diet Provisions

Section VI - Care of Children - Health.
Specific instructions obtained from a physician for the feeding and care of children with special problems shall be written on their records and followed.

Medication may be administered at the discretion of the director of the center. Medication shall be kept in the original container bearing the prescription label which shows the date filled, physician's name, physician's directions for use, and the child's name. Medications shall be kept out of the reach of children and returned to the parents when no longer needed. Under no circumstances should a staff member give medication of any kind unless prescribed by a physician.

718. Waiver of Health Requirements

Not specified

501

720. SAFETY

721. General Safety Requirements

Section VII - Physical Plants - Buildings used for Day Centers - Electrical Circuits.

Electrical circuits shall be maintained with proper fuse protection and shall be installed in accordance with the National Electrical Code.

Extension cords shall not exceed 10 feet in length and shall not extend from one room to another, nor shall they be stapled or nailed or otherwise permanently fastened to walls, floors, ceilings, or be run under rugs.

Health and safety.
There shall be a gate at the head of stairs and handrails on stairways.

Windows shall be properly protected by a suitable barrier for the safety of children.

Storage of combustible material shall be confined to essential articles in line with operations of the center. There shall be no unnecessary storage of combustible material or flammable liquids or other explosive material within the building or on the premises.

Burning of rubbish where necessary shall be confined to an isolated area in approved-type domestic incinerator with suitable stack.

All poisons and dangerous chemicals, such as matches shall be stored in a safe location and out of reach of children.

Facilities for washing and rinsing of mops shall be provided exclusively for this purpose.

Where laundry is done, proper facilities shall be provided for laundry services.

Grounds

No poisonous plants as described in the Department of Health's informational leaflet, may be planted on the premises.

722. Fire Safety Requirements

Section VII - Physical Plant - Buildings Used for Day Care Centers - Existing Buildings.

Exterior walls must be of 1-hour fire resistance construction if less than 10 feet from property line.

Openings shall not be permitted less than 5 feet from property line.

Roof covering must be fire retardent.

Classroom shall front on one public street or yard space not less than 20 feet in which front shall be located one required exit.

Evacuation plan in time of fire:

> The director or operator shall formulate a plan for the protection and evacuation to areas of refuge. This plan shall include training of all personnel and of all persons in event of fire. This plan shall be submitted to the Fire Department for approval.
>
> Fire drills shall be staged at least once a month in which all occupants and staff members must participate. However, in cases where occupants are infants, staff shall be required to stimulate drill plans.
>
> The staff at the day care center shall be trained in properly reporting a fire, in extinguishing a small fire, and in escaping from a fire.

There shall be an alarm system approved by the Office of the Fire Marshal to notify occupants in case of fire.

Smoking by staff members may be permitted in suitable area and when proper facilities are provided.

An adequate number of approved fire extinguishers, as approved by the Fire Department, shall be installed for first-aid extinguishment protection. They shall be inspected at least once a year and kept charged and filled at all times.

An approved heat-activated fire alarm system conforming to the provisions of the Fire Marshal's Rules and Regulations shall be installed at all group care centers giving care to children during the night.

See also 721. General Safety Requirements

723. Transportation

Section V - Transportation.
When transportation is provided by the center, rules and regulations of the Public Utilities Commission and the Police Department shall be met.

724. Safety Requirements for Equipment

Section VII - Physical Plant - Equipment.
Equipment shall be of safe construction and material; easily cleaned; kept in good condition; sturdy; free from sharp, loose, pointed parts; and, where paint is used, of safe quality.

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

Section VII - Physical Plant - Other Disasters and Evacuation.

Centers located in areas subject to tsunami action, flooding, or like disasters, shall have a plan for evacuation to a place of refuge, according to local civil defense regulations.

727. First Aid Supplies

Section VI - Care of Children - Health.

First-aid supplies shall be kept on hand.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

Section VI - Care of Children - Health.

Centers caring for children through mealtime shall provide a balanced meal approximating Federal lunch standards Type A lunch containing at least one-half pint of whole or reconstituted milk, and snack consisting of juice or milk between meals.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

Section VII - Physical Plant - Buildings Used for Day Care Centers - Kitchen facilities.

Adequate facilities and proper methods for the preparation, serving, refrigeration, and storage of food shall be provided according to public health regulations of Department of Health, Chapter One.

A separate kitchen, properly screened, insect and rodent proof, shall be provided for preparing food at a group care center.

There shall be adequate number of sinks with hot and cold running water, soap, and paper towels.

Adequate facilities and proper methods shall be provided for garbage disposal and for the washing, sanitizing, and storage of cooking, eating, and drinking utensils.

Kitchen stoves or commercial types of heating appliances requiring stacks or hoods shall be located at a safe distance from the wall, ceiling, roof, or other combustible material and shall conform to requirements of the Fire Marshal's Rules and Regulations.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Section VI - Care of Children - Program.
Time should be provided for consultation with parents individually or in groups.

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Not specified

1120. HEALTH AND SAFETY REQUIREMENTS

Not specified

1130. INFANT NUTRITION

Not specified

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1200. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1300. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

Section VII - Physical Plant - Outdoor Space.

There shall be a minimum of 75 square feet outdoor space available per child. The outdoor space shall be fenced or protected, with the entire area easily supervised. It shall be well drained, with both sunny and shaded areas.

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Exception: Centers that are in actual operation on the effective date of these regulations are exempt from the foregoing regulations provided that the Department is satisfied that the lack of sufficient outdoor space is not detrimental to the health, safety, and best interest of the children concerned.

Buildings Used for Day Care Centers - Capacity and Occupancy.
For day-time care, there shall be a minimum of 35 square feet per child of indoor area, excluding bathroom, kitchen, cupboard space, and hallways.

For night-time care, there shall be a minimum of 50 square feet per child of indoor area, excluding bathroom, kitchen, cupboard space, and hallways.

A lanai which has a roof, is protected from rain, and provides for safe activity, may be counted as indoor or outdoor space.

Equipment.
Suitable provision shall be made for individual storage of children's clothing and personal belongings.

There shall be adequate storage space readily available to children in the play area for play material and equipment used by children.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

Section VII - Physical Plant - Location and Premises.
The building shall have a sunny exposure, be well lighted, airy, and well ventilated.

Buildings Used for Day Care Centers - Health and Safety.
There shall be good artificial lighting in all indoor areas.

1430. EXITS

Section VII - Physical Plant - Buildings Used for Day Care Centers - Exits. Exits shall be of the following types or combinations thereof:

Doors leading directly outside the buildings (without stairs).

Ramps.

Stairways.

Doors opening into stairways shall open on a landing within 2 inches of the floor level.

At least two exits of the above type remote from each other shall be provided for every floor or section of the building, including basements. Exits shall be of such number and so located that the distance of travel from the door of any occupied room to an exit from that floor shall not exceed 50 feet in buildings having one-hour fire-resistive rating or 75 feet in buildings of fire-resistive construction.

Minimum exit door width shall be not less than 36 inches. Exit door should not be less than 6 feet 6 inches in height.

Exit doors shall be equipped with panic hardware or other types of locks which do not require use of a key from the inside.

Exit doors shall swing outwardly.

All stairways and other ways of exit and the corridors or passageways appurtenant thereto shall be properly illuminated at all time to facilitate egress.

"EXIT" signs where necessary shall conform with requirements of the current edition of the Uniform Building Code.

Hallways, passageways, or corridors shall be free and clear of obstructions and not lead to dead ends for occupants to be trapped in case of fire.

Equipment.

Furniture and equipment shall be arranged so as not to interfere with exits.

1440. TOILETS AND LAVATORIES

Section VII - Physical Plant - Buildings Used for Day Care Centers - Toilet Facilities.

There shall be minimum of one toilet and one wash basin conveniently located for every 15 children.

Toilet facilities for preschool children shall be child size, or step platforms shall be provided which are properly constructed and maintained.

Facilities for school-age children in group care shall be separated for each sex.

Toilet seats for group care shall be "U" shaped.

Toilet facilities shall be kept clean at all time.

Soap and individual towels shall be provided.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

Section VII - Physical Plant - Buildings Used for Day Care Centers.

It shall be the responsibility of the center to meet the following standards which conform to the construction standards of the current local city and county building ordinances; States Statutes; and Rules and Regulations of the State Fire Marshal, Department of Health, and other government agencies having jurisdiction.

The Uniform Building Code takes precedence except when county standards are higher.

1530. BUILDING

See 1520. FIRE

1540. HEALTH

See 1520. FIRE

1550. SANITATION

See 1520. FIRE

1560. NEW CONSTRUCTION

Section VII - Physical Plant - Buildings Used for Day Care Centers - New Construction.

Plans for any new buildings and alterations of existing buildings of day care centers shall be submitted to the Department for approval before any work is carried out.

Except where otherwise noted, all citations are to the Idaho Department of Health and Welfare, Rules and Regulations for Implementation and Enforcement of Standards for Licensing under the Child-Care Licensing Act: Day Care Centers, October, 1972.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

IDAHO CODE §39-1209 Definitions.

"Day care home" means a home or place in which any child or children not related by blood or marriage to the person or persons operating such home are regularly received and cared for during any part of the twenty-four (24) hour day.

"Day care center" means a home or place providing care to a group of five (5) or more children for all or part of the twenty-four (24) hour day.

"Day care" means foster care provided only during the day, or certain hours during the day.

112. Exclusions and Exemptions

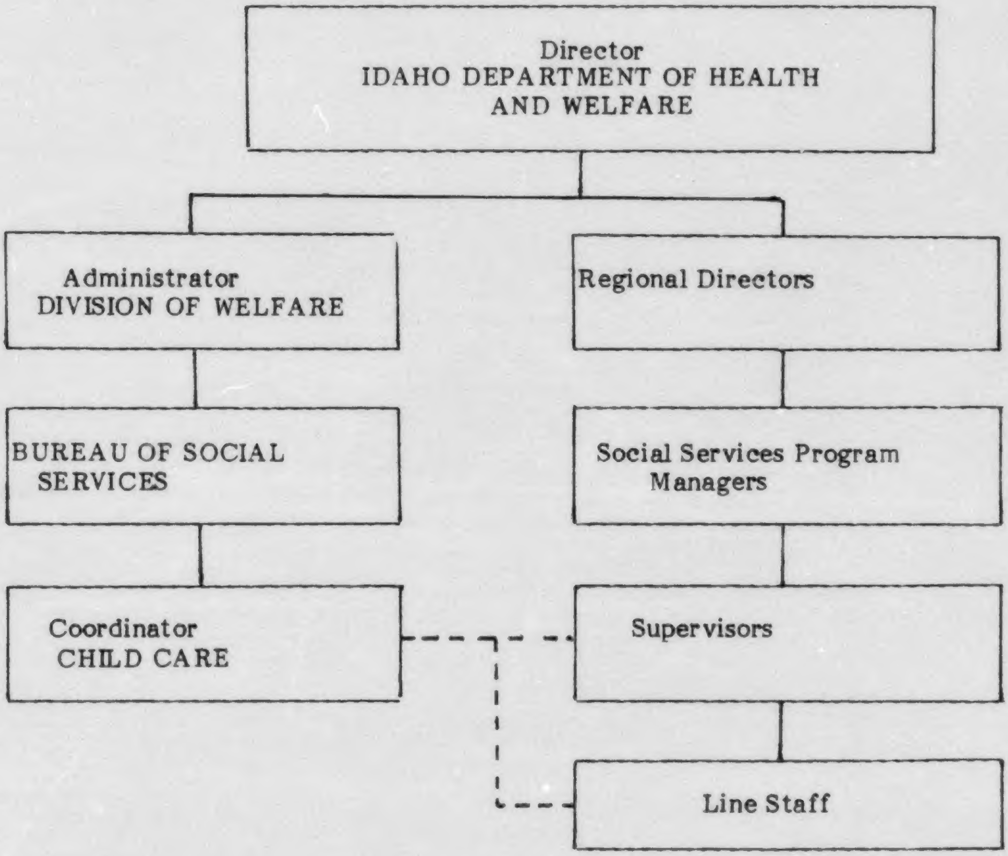
Not specified

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit


Director
IDAHO DEPARTMENT OF HEALTH AND WELFARE
Administrator
DIVISION OF WELFARE
Regional Directors
BUREAU OF SOCIAL SERVICES
Social Services Program Managers
Coordinator
CHILD CARE
Supervisors
Line Staff

Licenses are issued and revoked and the day to day monitoring functions are carried out at the regional level. The licensing functions are handled by generic social services staff. The State/central office provides monitoring and consultation to the regions.

122. Responsible Official

All inquiries should be addressed to:

Coordinator - Child Care
Bureau of Social Services
Division of Welfare
Idaho Department of Health and Welfare
Statehouse
Boise, Idaho 83720
(208) 334-4076

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

IDAHO CODE §39-1211 Standards for foster homes, day care homes and day care centers — Board authorized to implement and enforce.

The board of health and welfare shall have the power, and it shall be its duty to promulgate appropriate rules and regulations necessary to implement and enforce the following standards for licensing private foster homes, day care homes and day care centers, pursuant to this act.

Require evidence of income and resources sufficient to maintain the home and the services offered.

Require such record-keeping and reporting as may be deemed necessary.

Assure the safety and adequate physical care of children under care.

Require that foster parents be physically and emotionally suited to care for unrelated children and to deal with problems presented by children away from their own homes and own parents.

Provided, however, nothing in this act shall be construed to cover the occasional or irregular care of a neighbor's, relative's or friend's child or children by a person not ordinarily engaged in child care.

212. Advisory Body and Other Community Participation

See 211. Promulgation of Regulations

220. LICENSING PROCEDURE

221. Application and Issuance

Rules and Regulations for the Implementation of Standards.
An application for a license shall be filed with the Department of Health and Welfare in such manner and on such forms as the Department requires.

Each license shall be issued for a period of one year but may be suspended or revoked for cause.

The license shall specify whether it is for full-time or day-care. The license shall also specify the maximum allowable number of children to receive care, and this number shall not be exceeded at any time. Where applicable, the age range and sex of the children to receive care will be specified and it shall be the responsibility of the licensee to conform at all times to the terms of the license. (A license may be issued for the care of a specific child only in a home which may not meet the requirements for a license provided that the child is already in the home and has formed strong emotional ties continued care in the home would be more conducive to his welfare than removal to another home.)

222. Fee Charged

Not specified

515

223. Areas of Investigation

Not specified

224. License Renewal

Rules and Regulations for the Implementation of Standards.

An application for renewal of a license shall be made by the licensee on a form furnished by the Department and shall be filed sixty days prior to the expiration date of the license in force.

The licensee is responsible for knowing the standards and rules and regulations applying to the type of facility covered by the license and shall conform to them at all times.

225. Conditional/Provisional Licenses

Rules and Regulations for the Implementation of Standards.

A provisional license may be issued for a period not to exceed six months when an applicant is temporarily unable to meet the standard, and not more than one provisional license may be issued to the same child-care facility within any twelve-month period.

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

IDAHO CODE §39-1217 Visitation.

The Department shall visit each child-care facility as often as it deems necessary or desirable, but in any event at intervals not to exceed six months, for the purpose of determining whether the facility consistently maintains conformity with the standards, rules and regulations, and for such purpose shall be given access to the premises.

Rules and Regulation for the Implementation of Standards.

The license applies only to the person and the premises designated on the license. Any change of management or address renders the license null and void. The licensee shall immediatey notify the Department of any such change and return the license to the Department.

232. Denial, Suspension, Revocation of a License

Rules and Regulations for the Implementation of Standards.

A license may be denied, suspended, revoked, or not renewed by notice in writing by the Administration or his authorized representative if upon investigation it is found that the application or licensee has failed or refused to comply with any of the provisions of the Child-Care Licensing Act or with any rules, regulations or standards established pursuant to the Act. Such notice in writing shall include notice of right to a hearing.

The license shall be returned to the Department of Health and Welfare immediately upon suspension or revocation of the license or when the operation of the facility is discounted voluntarily.

IDAHO CODE §39-1218 License — Denial — Suspension — Revocation — Nonrenewal -- Hearing.

Any license issued pursuant to this act may be denied, suspended, revoked, or not renewed, by notice in writing by the director of the department of health and welfare or his authorized representative served upon the applicant or licensee by registered or certified mail, setting forth the reasons therefor, if upon investigation it is found that the licensee has failed or refused to comply with any of the provisions of this act or with any of the rules, regulations or standards established pursuant to this act. Within fifteen (15) days from receipt of notice of grounds for denial, suspension, revocation or nonrenewal, the application or licensee may serve upon the director by registered or certified mail, a written request for hearing.

Upon receipt of such request, the director shall fix a date for hearing, which date shall not be more than thirty (30) days from receipt of the request and shall give the applicant or licensee at least fifteen (15) days notice of said hearing date. If no request for hearing is made within the time specified, the license shall be deemed denied, suspended or revoked. The director shall notify the applicant or licensee of the director's decision within thirty (30) days after conclusion of the hearing.

233. Remedies and Sanctions

233.1 Hearings

IDAHO CODE §39-1219 Appeal from decision of director.

If an applicant or licensee feels aggrieved by a decision rendered as a result of a hearing, appeal may be taken to the district court of the county in which the institution is located, in the manner and form as provided in §39-1212, Idaho Code, provided, however, the filing of notice of appeal shall not, unless otherwise ordered, stay the proceedings of the director.

233.2 Decisions

See 233.1 Hearings

233.3 Judicial Review

IDAHO CODE §39-1220 Operating without license misdemeanor.

Any person or persons who operate a foster home, children's agency or children's institution, within this state, without first obtaining a license as provided in this chapter shall be guilty of a misdemeanor.

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

Rules and Regulations for the Implementation of Standards.
The license shall be posted conspicuously in the centers at all times.

The licensee is responsible for knowing the standards and rules and regulations applying to the type of facility covered by the license and shall conform to them at all times.

The licensee shall immediately notify the Department of any changes or circumstances which may affect the licensee's continued eligibility for a license.

The license applies only to the person and the premises designated on the license. Any change of management or address renders the license null and void. The licensee shall immediatey notify the Department of any such change and return the license to the Department.

Standard 3 Assure the safety and adequate physical care of children under care - Physical Care of Child.

Day care of children shall not be combined with care of the aged or of convalescent or maternity patients.

312. Telephone

Not specified

313. Proof of Operator Financial Capabilities

Standard 1 Require evidence of income and resources sufficient to maintain the home and the services offered.

The operator shall have sufficient income and resources to comply with all requirements of the local Fire Department, District Health Department, the city building inspector concerning construction, equipment, and maintenance of the center, and with all requirements of the Department of Health and Welfare for licensing.

The operator shall have sufficient reserve funds and resources to maintain the center and the services offered during periods of slackened income as a result of lower attendance or inability to collect all payment for care.

314. Insurance

Not specified

320. PERSONNEL

321. Publication of Personnel Policies

Not specified

322. Constraints Against Employment

Not specified

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS

341. Children

Standard 2 Require such record-keeping and reporting as may be deemed necessary.

A permanent record shall be kept for each child to identify him, to enable the operator to communicate with the parents either in their home or at their place of employment, and, in an emergency, with the physician designated by them.

The record shall include the child's full name, month, day and year of birth; full names and address of parents, guardian, or agency which placed him; the date accepted for care; and the date the child left the center.

These records shall be complete and current at all times and shall be made available at any time for inspection by a representative of the Department.

Complete records shall be maintained by the center showing children given care and these records shall be made available to a representative of the Department upon request, to be reviewed to determine compliance with the terms of the license.

342. Staff

Not specified

343. Child Eligibility and Enrollment Requirements

Not specified

344. Child Abuse Reporting

Not specified

345. Confidentiality of Records Requirements

Not specified

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

Standard 3 Assure the safety and adequate physical care of children under care - Number of Children.

In groups of pre-school children, there shall be at least one adult for every ten children, and, if possible, a minimum of two adults for any group.

412. Methods of Computing Staff/Child Ratios

Standard 3 Assure the safety and adequate physical care of children under care - Number of Children.

The maximum number and the age group cared for shall be determined by the physical facilities and staffing together with the experience and skill of the operator in providing care for children. Teen-age children of the operator need not be included in the total number receiving care.

Children of different ages have different interests and require different types of care. They should be divided into groups of interest range and the program adjusted to the group interest. Children should generally be grouped into no less than four groups such as under 30 months, pre-school, elementary, and older.

420. GROUP SIZE

421. Group Size as of March, 1981

Not specified

422. Methods of Computing Group Size

Not specified

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

Standard 4 Require that foster parents be physically and emotionally suited to care for unrelated children and to deal with problems presented by children away from their own homes and own parents.

She shall be of suitable age and temperament to care for children. She must be capable of handling an emergency situation promptly and intelligently.

512. Health

Standard 4 Require that foster parents be physically and emotionally suited to care for unrelated children and to deal with problems presented by children away from their own homes and own parents.

She must be of sound mental and physical health, with no mental or physical defects which will disqualify her for the care of children. A report of good health from a regularly licensed physician may be required if these seem necessary or advisable.

513. Education

Not specified

514. Experience

Standard 4 Require that foster parents be physically and emotionally suited to care for unrelated children and to deal with problems presented by children away from their own homes and own parents.

The individual in charge must have understanding of the problems of childhood and sympathy for them. She must understand what can be expected of children of different age levels and recognize the physical, mental and emotional needs of the individual child.

She must be willing to consider the varying home backgrounds of the children and to cooperate fully with the child's own parents in meeting his needs and in providing continuity and consistency in the care of the child.

She shall be a person of good character and habits. (Three satisfactory references, including the family physicians, will be required.)

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

See 511. Age

522. Health

See 512. Health

523. Education

See 513. Education

524. Experience

See 514. Experience

530. SUPPORT STAFF QUALIFICATIONS

Not specified

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

Standard 3 Assure the safety and adequate physical care of children under care - Program.

There shall be a schedule of daily activities so planned that there is reasonable regularity, with a similar sequence of events from day to day, such as regular daily provision for play, eating, sleeping, and toileting.

There shall be directed group activities and also opportunity for spontaneous free activity so that the child can play alone or with other children.

There shall be ample outdoor activity, the amount depending on weather conditions.

Activities shall be planned to be of value to the child in his growth and development. (He should have the opportunity to learn good habits, to do things for himself, and to develop good social relationships with other children.)

612. Program Equipment and Materials

Standard 3 Assure the safety and adequate physical care of children under care - The Center and Its Environs.

Equipment shall be safe and accessible to the children and shall allow for activities appropriate to the stage of development of the children. (For pre-school children this should include swings, pull and push toys; materials for creative activity such as sand, clay, paints, paper, blocks, dolls, dishes, tov furniture, trains, airplanes, books and pictures.)

613. Nap Provision

Standard 3 Assure the safety and adequate physical care of children under care - The Center and Its Environs.

There shall be a sleeping room used for no other purpose during rest periods with separate low cots for each child. Pads may be substituted for the cots providing they are of sufficient thickness to provide comfort on hard floors, that they are placed where they are not in drafts, and, that the floors are warm to avoid chilling.

There shall be provision for adequate daily rest from one to two hours (if the time spent in the group is longer that three), suited to the age and particular needs of the child with sanitary equipment and under conditions conducive to sleep—proper clothing and covering, quiet, ventilation, etc.

614. Discipline and Guidance

Standard 3 Assure the safety and adequate physical care of children under care - Physical Care of Child.

Discipline shall meet the needs of each child and shall be humane.

Authority to punish shall not be delegated to older children.

No child shall be placed alone in a room, put to bed for punishment or deprived of meals as punishment.

No child shall be subject to cruel, severe, unusual or unnecessary punishment inflicted upon the body or to verbal abuse, threats, or derogatory remarks about the child or his family.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Not specified

712. Health Assessments

Not specified

713. Immunizations

Not specified

714. Sanitation

Standard 3 Assure the safety and adequate physical care of children under care - The Center and Its Environs.

The building shall be so constructed that it is dry, that screening is provided in the fly season, and that the floor is free from splinters, is warm, and is easily cleaned.

Sanitation must be adequate and must meet standards of the District Department of Health. If the water supply is obtained from a source other than a city water system, it must be approved by the District Health Department. (All day care centers must pass inspection by a sanitation of the District Health Department.)

715. Daily Illness Screening

Standard 3 Assure the safety and adequate physical care of children under care - Physical Care of Child.

There shall be daily inspection of each child before the child enters the group. If there are indications of illness, cold symptoms, or skin diseases, the child shall not be accepted for care.

716. Care of Sick Children

Standard 3 Assure the safety and adequate physical care of children under care - Physical Care of Child.

Any child showing signs of illness must be isolated promptly from the other children until arrangements can be made for his care.

The individual in charge must have current information as to where and how the parent or guardian may be reached in the event of illness or accident requiring immediate attention. There shall be provision of medical attention in the event of emergency. The operator shall also have the name and address of the physician to be called in an emergency. Materials shall be in the center for rendering emergency first aid.

717. Medication and Special Diet Provisions

Not specified

718. Waiver of Health Requirements

Not specified

720. SAFETY

721. General Safety Requirements

Not specified

722. Fire Safety Requirements

Not specified

723. Transportation

Not specified

724. Safety Requirements for Equipment

See 612. Program Equipment and Materials

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

Not specified

727. First Aid Supplies

See 716. Care of Sick Children

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

Standard 3 Assure the safety and adequate physical care of children under care - Physical Care of Child.

The diet shall be well balanced and adequate to meet the nutritional needs of children and shall be served at regular hours. (This shall include a substantial noon meal and mid-morning and mid-afternoon snacks.)

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

Standard 3 Assure the safety and adequate physical care of children under care - The Center and Its Environs.

There shall be proper equipment for preparation, storage, and serving of food in accordance with the standards of the Department of Health and Welfare.

If the milk used is from the operator's cows, there must be continued assurance that the milk is handled in a sanitary way and that the cows are free from tuberculosis and Bangs disease. If milk is purchased, it shall be pasteurized or shall come from a licensed raw milk dairy.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

Standard 3 Assure the safety and adequate physical care of children under care - Provisions Concerning Care of Children Under Thirty Months.

There shall be cribs for all who are not yet able to "pull up" but no infant shall be left alone in the crib when awake unless there is adult supervision within visual range and there are adequate toys and materials provided for his learning experience.

At no time shall the infant be left alone in the crib while awake longer than 1/2 hour. Infants should be allowed some time for privacy and quiet when they can learn and explore on their own.

Adults and teenagers shall talk to the infant and not at or above him and there shall be frequent verbal communication between the infant and the adult.

Infants and toddlers shall be provided with a diversity of visual, auditory and tactile experience (e.g. toys of different texture, pots and pans, low climbing bars and furniture, soft carpets, records and singing books to look at.)

When possible, the same adult should care for the same infant each day. This gives the infant a chance to establish a recognition with one person whom he can trust and rely on in place of a mother during the day.

In providing care for children under thirty months, centers will assure adult supervision under the following child-adult ratio:

0 to 18 months - 1 adult to each six children

Children 18 months to 30 months - 1 adult to each eight children

In those centers where it is necessary to combine two or more age groups of children under 20 months because of lack of sufficient children, there shall be no more than six children under thirty months to each adult supervisor. In those centers combining care of children under 30 months with those over 30 months under one supervisor, the child under 30 months shall be equivalent to two children over 30 months in determining staff ratio and staffing needs.

1120. HEALTH AND SAFETY REQUIREMENTS

Standard 3 Assure the safety and adequate physical care of children under care - Provisions Concerning Care of Children Under Thirty Months.

Infants and toddlers who have learned to pull up shall be changed to a low cot for naps to avoid the danger of falling from the cribs.

Provisions should be made for the separate care of diapers of each child and a container provided marked for each child to store soiled diapers. Soiled diapers should be taken home each day by the parents to be laundered or laundered daily at the facility. Soiled diapers will not be rinsed in the nursery area. Use of disposable diapers is suggested but because of cost, this is not a requirement.

Changing of diapers should be at cribside and not at a common table.

When potty chairs are used for toilet training, they will be emptied after each use and washed with soap and water.

1130. INFANT NUTRITION

Standard 3 Assure the safety and adequate physical care of children under care - Provisions Concerning Care of Children Under Thirty Months.

Infants will be held during feeding time and not have a bottle propped up in the crib.

When the infant is admitted, there shall be arrangements as to special foods the infant may require, and it is recommended that the parents provide food or formula for the infant so he is receiving a consistent diet. The parents shall provide, at the beginning of each day, the bottles the infant may require. These will be marked for use by the individual child.

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

Not specified

1220. HEALTH AND SAFETY REQUIREMENTS

Not specified

1230. STAFFING

Not specified

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not specified

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

Standard 3 Assure the safety and adequate physical care of children under care - The Center and Its Environs.

There shall be a suitable isolation room, adequately heated, lighted and ventilated, for the complete isolation of any child suspected of having a communicable disease, until arrangements can be made to send the child home.

There shall be sufficient indoor and outdoor play space to allow children to carry on activities suitable to their age in all types of weather without being in each other's way or being constantly forced into crowded groups.

This will require indoors twenty-five square feet of available floor space per child exclusive of halls, isolation room, bath and toilet, and kitchen, and outdoors a minimum of seventy-five square feet for each child six years of age or over. Outdoor play space must be safe from traffic and other hazard to safety from which a child must be protected. Provision shall be made for maximum sunlight and for shade, and the play space shall be suitably surfaced and have good drainage.

There shall be an area protected from general walkways within the facility where crawling infants can be on the floor at least part of the day to explore.

There shall be a sleeping area for infants and toddlers separate from other children, but infants should be allowed to be with the older children during part of the day, under close supervision.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

Standard 3 Assure the safety and adequate physical care of children under care - The Center and Its Environs.

Light, ventilation, and heat shall be adequate in the rooms used by children for play and sleeping.

1430. EXITS

Standard 3 Assure the safety and adequate physical care of children under care - The Center and Its Environs.

The center must be in a safe and convenient place. This should usually be on the ground floor. If above the first floor, there must be adequate provision for fire escape. Basement rooms must be dry, adequately heated, lighted, and ventilated, have adequate floor covering, be free from fire hazards, and have adequate exits. (All day care centers must pass inspection by the local Fire Department.)

1440. TOILETS AND LAVATORIES

Standard 3 Assure the safety and adequate physical care of children under care - The Center and Its Environs.

There shall be adequate and easily accessible toilet facilities, including washstands and toilets. There shall be a minimum of one washstand and one toilet to each 15 children.

Facilities that provide overnight care shall offer the following:

Facilities for bathing.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

Not specified

1530. BUILDING

Not specified

1540. HEALTH

Not specified

1550. SANITATION

Not specified

1560. NEW CONSTRUCTION

Not specified

Except where otherwise noted, all citations are from the Illinois Department of Children and Family Services, Regulation 5:13, Licensing Standards for Day and Night Care Centers, December, 1980.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

ILL REV. STAT., Ch. 23, §2.05.
"Facility for child care" or "child care facility" means any person, group of persons, agency, association or organizations, whether established for gain or otherwise, who or which received or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility as defined in this Act, established and maintained for the care of children.

ILL REV. STAT., Ch. 23, §2.09.
"Day care center" means any child care facility receiving more than 8 children for daytime care during all or part of a day. The term "day care center" includes facilities commonly called "child care centers", "day nurseries", "nursery schools", "kindergartens", "play groups" and "centers or workshops for mentally or physically handicapped" with or without stated educational purposes.

112. Exclusions and Exemptions

ILL REV. STAT., Ch. 23, §2.09.

The term does not include:

> kindergartens or nursery schools or other daytime programs operated by public or private elementary school systems or secondary level school units or institutions of higher learning which serve children 5 years of age and older;
>
> child care centers which exclusively serve or that portion of the center which serves handicapped children between the age of 3 and 21 and which are registered and approved as meeting standards of the Illinois Office of Education and applicable fire marshal standards;
>
> facilities operated in connection with a shopping center or service, or other similar facility, where transient children are cared for temporarily while parents or custodians of the children are occupied on the premises, or are in the immediate vicinity and readily available;
>
> any type of day care center that is conducted on federal government premises; or
>
> special activities programs, including athletics, crafts instruction and similar activities conducted on an organized and periodic basis by civic, charitable and governmental organizations.

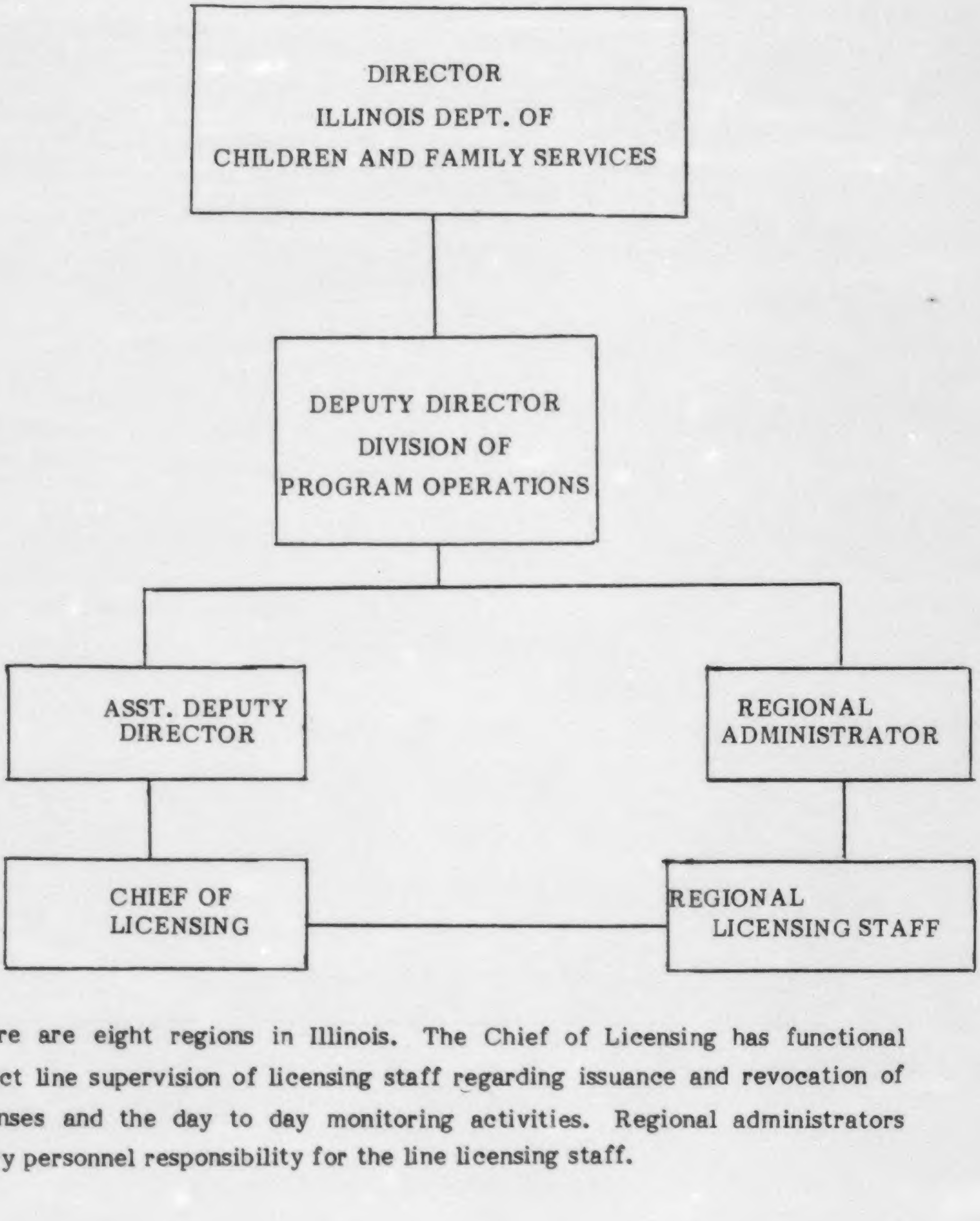
A day care center which is exempt from licensing may apply for licensing if licensing is a condition for receiving federal funds.

113. HHS Day Care Compliance

Not specified

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit


DIRECTOR
ILLINOIS DEPT. OF
CHILDREN AND FAMILY SERVICES
DEPUTY DIRECTOR
DIVISION OF
PROGRAM OPERATIONS
ASST. DEPUTY DIRECTOR
REGIONAL ADMINISTRATOR
CHIEF OF LICENSING
REGIONAL LICENSING STAFF

There are eight regions in Illinois. The Chief of Licensing has functional direct line supervision of licensing staff regarding issuance and revocation of licenses and the day to day monitoring activities. Regional administrators carry personnel responsibility for the line licensing staff.

122. Responsible Official

All inquiries should be addressed to:

Chief of Licensing
Division of Program Operations
Department of Children and Family Services
1 North Old State Capitol Plaza
Springfield, Illinois 62706
(217) 785-2598

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

ILL REV. STAT., Ch. 23, §7.

The Department must prescribe and publish minimum standards for licensing that apply to the various types of facilities for child care defined in this Act and that are equally applicable to like institutions under the control of the Department and to foster homes used by and under the direct supervision of the Department. The Department shall seek the advice and assistance of persons representative of the various types of child care facilities in establishing such standards. The standards prescribed and published under this act take effect as provided in "An Act concerning administrative rules," approved June 14, 1951, as amended, and are restricted to regulations pertaining to:

> The operation and conduct of the facility and responsibility it assumes for child care;
>
> The character, suitability and qualifications of the applicant and other persons directly responsible for the care and welfare of children served;

The general financial ability and competence of the applicant to provide necessary care for children and to maintain prescribed standards;

The number of individuals or staff required to insure adequate supervision and care of the children received.

The appropriateness, safety, cleanliness and general adequacy of the premises, including maintenance of adequate fire prevention and health standards conforming to State laws and municipal codes to provide for the physical comfort, care and well-being of children received.

Provision for food, clothing, educational opportunities, program, equipment and individual supplies to assure the healthy physical, mental and spiritual development of children served;

Provisions to safeguard the legal rights of children served;

Maintenance of records pertaining to the admission, progress, health and discharge of children;

Filing or reports with the Department;

Discipline of children; and

Protection and fostering of the particular religious faith of the children served.

212. Advisory Body and Other Community Participation

Not specified

220. LICENSING PROCEDURE

221. Application and Issuance

1. Application For The License Shall Be Filed With The Department.

Compliance Requirements:

Application shall be made on forms provided by the Department.

The application shall be signed by the person as defined in Standard 9.

The applicant shall provide character references for the purpose of determining the suitability for being responsible for the care and welfare of the children to be served.

The license shall be issued when applicable standards have been met.

A night care facility using the same facilities as a licensed day care facility shall apply for a license for night care.

If a facility has made application for license to conduct a child care facility and is proceeding, in good faith, to meet standards for license or permit, it is within the intent of the law for the applicant to publish announcements and advertisements about the services it proposes to offer.

4. No Facility Shall Expand Its Services Or Increase The Licensed Capacity Unless The Existing Facility Is In Compliance With Standards.

222. Fee Charged

Not specified

223. Areas of Investigation

ILL REV. STAT., Ch. 23, §4.

The Department may require that each foster family home applicant, as part of the application process, authorize an investigation to determine if the applicant has ever been charged with a crime and if so, the disposition of those charges; this authorization shall indicate the scope of the inquiry and the agencies which may be contacted. Upon this authorization, the Director may request and receive information and assistance from any federal, State or local governmental agency as part of the authorized investigation. The Department of Law Enforcement shall provide information concerning any criminal charges, and their disposition, brought against an applicant upon request of the Department of Children and Family Services when the request is made in the form and manner required by the Department of Law Enforcement. The information derived from this investigation, including the source of this information, and any conclusions or recommendations derived from this information by the Department shall be provided to the applicant, or his designee upon request to the Department, prior to any final action by the Department on the application. The only physical identity materials which the applicant can be required to provide the Department are photographs or fingerprints; these shall be returned to the applicant upon request to the Department, after the investigation has been completed and no copy of those materials may be kept by the Department or any agency to which such identity materials were transmitted. Only information and standards which bear a reasonable and rational relation to the performance of a foster family home shall be used by the Department.

224. License Renewal

3. Changes In Information On A Valid License Require Reapplication And/Or Approval Of The Department.

Compliance Requirements:

Re-application is the process by which a license is obtained when there is a change of the specifications on the existing license.

Re-application shall be made when it affects any one of the following items which are information on the licensing documents:

Name of facility
Address
Responsible persons
Type of care

Department approval is required for the following changes:

Ages of children served
Area of care
Capacity

7. Application For Renewal Of A License Shall Be Made To The Department On Forms Provided By the Department.

225. Conditional/Provisional Licenses

5. New Centers May Be Issued One Six-Month Permit To Operate Under The Following Conditions:

Compliance Requirements:

A permit is a legal sanction to operate for a period not to exceed six months. A permit shall not be issued if the deviations from the standards threaten the health and safety of the children.

226. Substantial Compliance

Not specified

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

13. Authorized Representatives Of The Department Shall Be Admitted To The Facility At Any Reasonable Time For The Purpose Of Investigation.

232. Denial, Suspension, Revocation of a License

ILL REV. STAT., Ch. 23, § 8.

The Department may revoke or refuse to renew the license of any child care facility or refuse to issue full license to the holder of a permit should the licensee or holder of a permit:

> consistently fail to maintain standards prescribed and published by the Department;
>
> substantially violate any of the provisions of the licensed issued;
>
> furnish or make any misleading or any false statement or report to the Department;
>
> refuse to submit to the Department any reports or refuse to make available to the Department any records required by the Department in making investigation of the facility for licensing purposes;
>
> fail or refuse to submit to an investigation by the Department;
>
> fail or refuse to admit authorized representatives of the Department at any reasonable time for the purpose of investigation;

There shall be a written statement of purpose and written policies regarding the operation of the facility.

References and medical reports for all staff shall be on file.

Required records shall be set up and forms ready to establish necessary records for children and staff.

There shall be an acceptable plan for emergency medical care.

There shall be an acceptable plan for food preparation and service.

There shall be a staff plan, designating responsibilities for program planning, supervision of children, food service, cleaning, and maintenance, and finances.

Clearance letters for fire and sanitation shall be on file, where applicable.

Character and financial references shall be on file with the Department.

Furnishings and equipments shall be on hand for the specified number of children.

The facility shall be examined by the Department and planning for its use both inside and outside complete.

A plan shall be on file with the Department that indicates standards for licensure can be met within the six month period.

Proof of insurance (Standard 8) shall be on file.

If no request for a hearing is made within 10 days after notification, or if the Department determines, upon holding a hearing that the license should be revoked or renewal denied, then the license shall be revoked or renewal denied. When the Department expressly finds that the continued operation of a child care facility violates any minimum standard prescribed by the Department, as authorized by this Act, or otherwise jeopardizes the health, safety, morals, or welfare of children served by the facility, the Department shall include in its order revoking or refusing to renew the license an order of closure directing that the operation of the facility terminate immediately. In this event, the facility may not operate during the pendency of any proceeding for the judicial review of the decision of the Department revoking or refusing to renew the license, except under court order.

233. Remedies and Sanctions

233.1 Hearings

ILL REV. STAT., Ch. 23, § 9.

Upon the hearing of proceedings in which the license is revoked, renewal of licenses is refused or full license is denied, the Director of the Department, or any officer or employee duly authorized by him in writing, may administer oaths and the Department may procure, by its subpoena, the attendance of witness and the production of relevant books and papers.

At the time and place designated, the Director of the Department or the officer or employee authorized by him in writing, shall hear the charges, and both the Department and the licensee shall be allowed to present in person or by counsel such statements, testimony and evidence as may be pertinent to the charges or to the defense thereto. The hearing officer may continue such hearing from time to time, but not to exceed a single period of 30 days, unless special extenuating circumstances make further continuance feasible.

fail to provide, maintain, equip and keep in safe and sanitary condition premises established or used for child care as required under standards prescribed by the Department, or as otherwise required by any law, regulation or ordinance applicable to the location of such facility;

refuse to display its license or permit; or

fail to maintain financial resources adequate for the satisfactory care of children served in regard to upkeep of premises, and provisions for personal care, medical services, clothing, education and other essentials in the proper care, rearing, and training of children.

ILL REV. STAT., Ch. 23, §9.
Prior to revocation or refusal to renew a license, the Department shall notify the licensee by registered mail with postage prepaid, at the address specified on the license, or at the address of the ranking or presiding officer of a board of directors, or any equivalent body conducting a child care facility, of the contemplated action and that the licensee may, within 10 days of such notification, dating from the postmark of the registered mail, request in writing a public hearing before the Department, and, at the same time, may request a written statement of charges from the Department.

Upon written request by the licensee, the Department shall furnish such written statement of charges, and, at the same time, shall set the date and place for the hearing. The charges and notice of the hearing shall be delivered by registered mail with postage prepaid, and the hearing must be held within 30 days, dating from the date of the postmark of the registered mail, except that notification must be made at least 15 days in advance of the date set for the hearing.

ILL REV. STAT., Ch. 23, §10.

Any judge of the circuit court, upon application either of the person requesting a hearing or of the Department, may require the attendance of witnesses and the production of relevant books and papers before the Department in any hearing relating to the refusal or revocation of licenses. The refusal or neglect to obey the order of the court compelling the attendance or production, is punishable as in other cases of contempt.

233.2 Decisions

Not specified

233.3 Judicial Review

Not specified

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

9. There Shall Be A Person Legally Responsible To The Department For Compliance With Requirements Set Forth In The Standards.

Compliance Requirements:

A PERSON is any individual, group of persons, agency, association, or organization legally responsible for the operation of the facility.

The person shall comply with all the standards.

The person shall file with the Department, if applicable:

Names, addresses, and telephone numbers of current board members, identifying its officers;

An organizational chart of board committees and staffing patterns;

Written policies outlining the delegation of responsibilities and clear lines of communication between board members, facility staff, and parents.

The person may designate responsibility for compliance with the standards. This shall be made known to the Department.

10. There Shall Be Current Written Statements, Publicly Available, Covering The Sponsorship, Purposes, And Goals Of The Service, A Description Of The Program And Operating Policies, Procedures And Forms.

Compliance Requirements:

The following information shall be made available in writing, understood by each caregiver, and given to and discussed with the parent(s) at the time of the child's enrollment:

Statement of services, purposes and goals, and child care philosophy;

Description of the daily program;

Fees and plan for payment;

Policies regarding delinquency of fees;

Types of insurance coverage for children, if applicable;

Admission, enrollment, and discharge policies and procedures;

Hours of operation;

Information regarding part-time enrollment, if applicable; and

Holiday and vacation schedules.

Arrangements for arrival and departure of children (time, location, transportation).

Provision for emergency medical care, treatment of illness and accident, which includes:

> Written consent of parent or guardian for emergency care in the event that the child's parent, own physician, or certified practitioner cannot be reached.
>
> A plan to obtain prompt services of physician and hospitalization, if needed.
>
> A plan for immediately notifying the parent or guardian of any illness, accident or injury to the child.
>
> A plan to acquire the services of a certified practitioner for a child exempt from medical care on constitutional grounds.

Any formal religious observance or instruction;

Visits, trips, or excursions off the premises;

Use of photographs for publicity purposes;

Procedures concerning personal belongings brought to the center;

Policy regarding release of personal information on the child.

Planned means of communication between the center and the parent(s).

Involvement of children or the center in research.

11. The Board, Sponsor, Or Others Officially Designated Shall Be Responsible For Maintaining The Standards.

Compliance Requirement:

The staff and board shall have a working knowledge of the standards for their particular areas of operation or areas which affect their particular functions and responsibilities.

12. The Board Or Others Officially Designated To Represent The Facility Shall Immediately Notify The Department Of Any Major Current Or Anticipated Changes.

18. Child Development Directors Shall Have Responsibilities Assigned.

Compliance Requirements:

The Child Development Director shall be responsible for the planning and supervision of the program and activities of the children.

The Child Development Director shall be responsible for supplying continuous staff development, in-service training, and supervision of all staff.

The Child Development Director or at least one designated employee who has equivalent administrative responsibilities and who is qualified to be in charge of a group shall be at the facility at all times and must be at least 21 years of age.

103. The Facility Shall Comply With The Regulations Of The Illinois Department Of Public Health Pertaining To The Control Of Communicable Diseases, Which Carries The Duty To Promptly Report A Known Or Suspected Case Or Carrier Of Communicable Disease To The Local Health Authorities.

104. All Required Reports And Records And Any Other Data Necessary To Determine Eligibility For Licensure Shall Be Available For Examination By Authorized Department representatives.

20. Child Care Workers Shall Have Responsibilities Assigned.

Compliance Requirements:

A person, designated as the child care worker, shall be responsible for the immediate planning and supervision of the activities of the children, including scheduling and arranging of night-time care.

Duties of the person or persons serving in the capacities of director and child care worker may be combined or varied to some extent, according to the type, size and sponsorship of the center. The person or persons designated to serve in these capacities shall be able to handle the over-all administrative responsibilities of the facility and assume immediate responsibility for planning and supervising the activities of a group of children.

312. Telephone

99. A telephone shall be on the premise, easily accessible for use in an emergency and other communications.

313. Proof of Operator Financial Capabilities

104. The Facility Shall Maintain Financial And Other Business Records Essential To The Operation Of The Facility. Such Records Shall Be Made Available To Authorized Representatives Of The Department Upon Request.

314. Insurance

8. Public Liability Insurance Shall Be Carried By The Facility:

Compliance Requirements:

Insurance shall be in the single limit minimum amount of $100,000 per occurrence.

The insurance shall be in force for the duration of the license or permit period.

Centers shall provide proof of such insurance prior to the issuance of a license or permit.

A record of such insurance shall be on file at the facility or otherwise readily accessible to the Department.

320. PERSONNEL

321. Publication of Personnel Policies

14. Working Conditions Shall Be Supported By Written Personnel Policies And Practices Except For Centers With Four Or Fewer Employees.

Compliance Requirements:

Work assignments shall be such that it is possible for an employee to fulfill the responsibilities of the job.

Centers having more than four employees shall have written personnel policies available to staff at all times. These may include, but are not limited to, job description, salary, wages, pay dates, fringe benefits, social security, workman's compensation, unemployment insurance, holidays, sick time, vacations, probationary periods, grievance procedures, promotions, termination of employment, and performance evaluation.

322. Constraints Against Employment

28. No Individual Known To Be Charged Or Convicted Of Child Abuse, Neglect, Sexual Abuse Or Who Is Awaiting Trial On Such Charges Shall Be Employed In Day Care Or Night Care Centers.

Compliance Requirements:

No persons will be employed in any day care center or night care center who has a police record of such conviction or is awaiting trial on such charges.

A person who has been charged for such offenses shall take a leave of absence pending the outcome of the trial.

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS

341. Children

30. The Center Staff Shall Insure That Admission Procedures Provide Sufficient Information To Enable The Parent And The Child Development Staff To Make Decisions Or Act On Behalf Of The Child With Regard To His Or Her Life At The Facility.

Compliance Requirements:

Admission data obtained shall be on file at the facility and include:

Identifying information and sufficient social and personal information to describe the child, recorded as prescribed in Records and Reports.

Reports of health examinations.

Appropriate professional evaluations required for admission of children with special needs.

Signed consent forms from parent, guardian, or persons designated by the parents in writing, including:

Health care and treatment, including emergency first aid.

Emergency medical treatment if the parent is not readily available.

Formal religious instruction, if applicable.

Use of photographs for publicity purposes.

Visits, trips, or excursions off the premises.

Child's involvement in research.

Daily release of the child.

The center shall admit only those children eligible under the facility's written admission policies.

95. A Facility Shall Maintain A Record File On The Children Enrolled.

Compliance Requirements:

A written application for admission of each child shall be on file with the signatures of the parent or guardian.

An alphabetic card or register on each child shall be maintained and shall include:

Name, date, place of birth, sex;

Date of admission and discharge;

Scheduled days and hours of care;

Name(s) of parent(s) or guardian(s), home and business address and telephone number, marital status, and the working hours of the parent(s) or guardian(s);

Child's physician, address and telephone number (or, if applicable, certified Christian Science Practitioner);

Name(s), addresses and telephone numbers of persons authorized to pick up the child; and

Name(s), addresses, and telephone numbers of others to contact within the immediate area if parents or guardian cannot be contacted in case of emergency.

Accidents or illnesses which have occurred to the child at the facility shall be recorded in the file. When a child is not permitted to attend the facility because of an accident or illness, the date of re-admission to the facility shall be recorded.

The medical report shall be on file at the facility dated not longer than 6 months prior to enrollment and signed by the examining physician or certified by a recognized health facility.

The medical report shall be valid for two years.

The report shall indicate that the child was found free of communicable disease with a tuberculin test to be included in the initial exam only.

The report shall indicate that the child has been immunized as required by current State regulations. These required immunizations are poliomyelitis, measles, rubella, diphtheria, pertussis, and tetanus.

If immunization waiver on constitutional ground is requested, a written, signed statement by parent(s) or guardian(s) shall be in the child's file.

A center admitting such a child shall do so upon its sole responsibility.

Exceptions are made for children who for clinical reasons should not be subjected to immunizations.

Written agreements and consents shall be in the child's record file.

Necessary medications may be administered to a child at the facility, provided that:

The facility shall maintain a record of the dates, hours, and the name of the person administering them;

The medication shall be a personal prescription from a physician, and the label must bear the child's name, directions for administering the medication, and the date and physician's name and the prescription number and drug store or pharmacy if applicable;

Medication shall be administered as required by a physician, subject to the receipt of appropriate releases from parents and these shall be on file for each child for the administration of any and all prescribed medicines; and

Medications are to be kept in locked cabinets or containers which are in an area well-lighted and out of reach of children even if medications must be refrigerated.

96. A Facility Shall Keep Continuous And Accurate Daily Attendance Records On Each Child Enrolled.

Compliance Requirements:

Attendance records for each group within the facility shall be kept by the person responsible for that group.

If children attend on a part-time or irregular basis, this shall be recorded in the attendance record.

A total attendance record of all children shall be maintained.

Attendance records shall be retained for a period of three years.

101. The Facility Shall Maintain And Submit When Requested By The Department Accurate Information And Statistics On Children Enrolled In The Facility.

Compliance Requirements:

The Department shall be notified immediately by telephone, and in writing within one week if any of the following, involving children, happen at the facility:

Accident or injury resulting in death or requiring emergency medical care;

Fires, or other incidents leading to structural damage; or

Incidents which result in legal action by or against the facility.

Reports of child abuse, neglect, or injury shall be made in accordance with the procedures outlined in the Abused and Neglected Child Reporting Act.

Special reports shall be made as requested by the Department.

342. Staff

97. Personnel Records Shall Be Maintained At The Center On Each Individual Employee And Volunteer.

Compliance Requirements:

The records shall include name, address, telephone number, training, education, previous employment dates, and other related experiences and qualifications.

Verified character references shall be in each file.

Verification of educational achievement shall be on file.

Reports of medical examinations and tests shall be in the file. Medical reports shall be valid for two years.

Date and reason for termination shall be recorded and placed in the file.

98. Records Of Student Participants Shall Be Maintained.

Compliance Requirements:

The record shall include, name, address, telephone number, and date of last medical exam from the school.

Name of the school, name of the faculty member responsible for each student, faculty members' telephone numbers, the course in which the student is enrolled, and who at the facility is responsible for the student are all items to be included in the record.

102. The Facility Shall Maintain And Submit Reports On Staff And Volunteers.

Compliance Requirements:

The reports shall be made to the Department on forms provided by the Department.

An individual report on each new employee (including owner, operator, or director) shall be filed with the Department; a copy of this report shall be kept at the facility.

All staff changes shall be reported to the Department immediately.

Medical information, character, and other references of employees shall be provided upon special request by the Department.

343. Child Eligibility and Enrollment Requirements

32. Children Shall Be Admitted And Discharged Under Circumstances Which Insure Protection Of Their Own And Other Children's Physical And Emotional Well-Being.

Compliance Requirements:

The staff shall be alerted to the child's arrival and given the information necessary to help make the child's initial adjustment as comfortable as possible.

The staff shall understand and consider the child's individual background and needs.

The staff directly responsible for the child shall be alerted to any personal circumstances which may require special handling.

Any child who, after attempts have been made to meet the child's individual needs, demonstrates inability to benefit from the type of care offered by the facility, or whose presence is detrimental to the group, shall be discharged from the facility.

In all instances, when a facility decides that it is in the best interest of the child to terminate enrollment, the child's and parent's needs shall be considered by planning with the parent(s) to meet the child's needs when he or she leaves the facility, including referrals to other agencies or facilities.

344. Child Abuse Reporting

32. Children Shall Be Admitted And Discharged Under Circumstances Which Insure Protection Of Their Own And Other Children's Physical And Emotional Well-Being.

561

Compliance Requirements:

Evidence of child abuse shall be reported immediately to authorities as required by the Abused and Neglected Child Reporting Act.

345. Confidentiality of Records Requirements

31. Information Pertaining To The Admission, Progress, Health, Or Discharge Of An Individual Child Shall Be Confidential And Limited To Facility Staff Unless The Parent(s) Of the Child Has Granted Written Permission Or In The Case Where There Is Evidence Of Child Abuse.

Compliance Requirements:

The facility shall have confidentiality release forms signed by the parent(s) on file at the facility prior to release of information.

If information is requested by outside persons or agencies a specific written request signed by the person requesting the information shall be obtained and on file at the facility.

Evidence of child abuse shall be reported immediately to authorities as required by the Abused and Neglected Child Reporting Act.

100. The Facility Personnel Shall Respect The Confidential Nature Of The Child And Personnel Records.

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

46. The Facility Shall Provide Staff To Insure The Care And Safety Of The Children At All Times.

Compliance Requirements:

The maximum numbers of children grouped according to ages, and the minimum staff required, are as follows:

	Age	Maximum Group Size	Minimum No. of Staff
1)	Infants under two years of age	6	1
2)	Two-year olds	8	1
3)	Three-year olds	20	2
4)	Four-year olds	20 Full Day	2
		20 Half Day or less	1
5)	Five-year olds and older	25	1
6)	Mixed ages between three and six	20	2
7)	Mixed ages between two and six	15	2

A substitute shall be provided for an absent staff member.

The small center, operating with only one regular staff member, shall arrange for a responsible person to assist with the children when needed. This must be a person, or persons, who can respond immediately to a call without the adult in charge leaving the children unattended.

47. The Facility Shall Have Developed A Staffing Plan Which Organizes The Staff And Enables Them To Give Continuity Of Care And Supervision To The Children On A Day-By-Day Basis.

Compliance Requirements:

Staff changes shall be minimized so that the child can experience consistent relationships with as few adults as possible.

Staff shall be aware of the presence and activities of the children under their care.

A staff coverage and children's activities plan shall be explained to staff and substitutes.

Substitutes shall visit the facility to become generally familiar with the program in advance of the time they may be called.

Responsible adults in the ratio as defined shall be on duty in the room or in close proximity to children's sleeping areas and shall be immediately available to children in need of attention during nap periods.

Children shall not be left unattended at any time.

412. Methods of Computing Staff/Child Ratios

See 411. Staff/Child Ratio as of March, 1981

420. GROUP SIZE

421. Group Size as of March, 1981

46. The Facility Shall Provide Staff To Insure The Care And Safety Of The Children At All Times.

Compliance Requirements:

Children under two years of age shall not be included in groups with older children.

There shall be a minimum of two staff members to supervise any group exceeding ten (10) children under four years of age, or any mixed ages between two and six.

No more than six two-year olds or nine three-year olds shall be included in a group of children of mixed ages.

A second person shall be readily available to assist regularly assigned staff with any group when needed.

422. Methods of Computing Group Size

See 412. Group Size as of March, 1981

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

19. Child Care Workers Shall Be Qualified.

Compliance Requirements:

A newly employed or designated child care worker shall be at least 21 years of age.

21. Assistants To Child Care Workers Shall Be Qualified.

Compliance Requirements:

Assistants to child care workers shall be at least 18 years of age.

23. Student Helpers Shall Be Qualified.

Compliance Requirements:

Student helpers shall be at least 14 years of age and at least five years older than the oldest child with whom they work.

512. Health

29. Each Member Of The Staff Shall Have A Physical Examination Prior To Employment.

Compliance Requirements:

Staff are defined as all individuals who are in contact with children in a day care facility.

Staff shall present evidence of physical examination which took place no longer than six months prior to employment with a tuberculin test to be included in initial exam only.

Subsequent physical examinations shall take place every two years.

Staff shall not be employed if there is evidence of communicable disease.

Food handlers shall make their positions known to the examining physician and meet state regulations pertaining to food handlers.

513. Education

19. Child Care Workers Shall Be Qualified.

A newly employed or designated child care worker, shall have achieved a minimum of two years of college credits from an accredited college or university; or, shall have achieved a high school diploma or a high school equivalency certificate, plus three years of successful experience as child care worker of a licensed child care facility, or other social, educational, or related fields of service involving children.

A newly employed or designated child care worker with a high school diploma or a high school equivalency certificate, but less than three years of experience in a related child care field, shall provide proof of enrollment in an accredited university or college with a plan to acquire two years of college credit, including courses concentrating on early childhood development.

In a night-time center, a newly employed or designated child care worker, shall have achieved a high school diploma or a high school equivalency certificate, plus two years of successful experience in working with groups of children.

21. Assistants To Child Care Workers Shall Be Qualified.

Compliance Requirements:

Assistants to child care workers shall have a high school diploma or a high school equivalency certificate, or certificate showing successful completion of an approved course of study and training in child care.

Assistants to child care workers shall have the personal qualifications required of other staff.

Assistants to child care workers shall work under the direct supervision of a qualified director or child care worker.

514. Experience

15. Staff Shall Generally Have The Skill And Competence Necessary To Contribute To Each Child's Physical, Intellectual, Personal, Emotional, And Social Development. Factors Contributing To The Attainment Of This Standard Should Include:
Emotional maturity when working with children.

Willingness to cooperate with the aims of the facility.

Flexibility and patience.

Physical and mental health which do not interfere with child care responsibilities.

Good personal hygiene.

16. Child Development Staff, In Addition To Meeting The Requirements Of Standard 15, Shall Generally Demonstrate Skill And Competence Necessary To Assume Direct Responsibility For Child Care.

Compliance Requirements:

Child Development staff shall demonstrate the skills to help children meet their developmental and emotional needs.

Child Development directors and child care workers shall demonstrate skill in planning, directing, and conducting programs that meet the children's basic needs.

Child Development directors and child care workers shall be willing to participate in activities leading to professional growth in Early Childhood Development.

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

17. A Qualified Individual Shall Be Designated As Director Of The Facility.

Compliance Requirements:

The Child Development Director shall be at least 21 years of age.

522. Health

See 512. Health

523. Education

17. A Qualified Individual Shall Be Designated As Director Of The Facility.

Compliance Requirements:

The Child Development Director shall have a high school diploma or equivalency certificate.

The newly employed Child Development Director shall have achieved in addition to Standards 15 and 16:

Two years of college credit from an accredited college or university with 18 semester hours or equivalent quarter hours in courses related directly to child care and/or child development;

Or two years of full-time child development experience in a nursery school, kindergarten, or licensed day care center, one year of college credits with 10 semester hours or equivalent quarter hours in courses related directly to child care and/or child development, and proof of enrollment in an accredited college or university until two years of college credits have been achieved. A total of 18 hours in courses related directly to child care and/or child development is required to be obtained within the total two years of college credits.

Persons who are currently employed as a director and who meet the full qualifications of the position at the time of their most recent employment are considered qualified. Persons who are currently employed as directors and are working toward becoming fully qualified for the position of director under the standards in force at the time of their most recent employment must continue to work to meet those qualifications until completed.

524. Experience

See 523. Education

525. General Program Director Qualifications

530. SUPPORT STAFF QUALIFICATIONS

22. Persons Assisting In The Day Care Program, Who Do Not Qualify As A Child Care Worker, Shall Not Have Full Responsibility For the Supervision Of The Children Or For The Program.

23. Student Helpers Shall Be Qualified.

Compliance Requirements:

Student helpers shall be under the direct supervision of a qualified director or child care worker and shall not substitute for regularly employed staff.

Employment or use of student helpers shall not be in violation of any child labor laws.

25. Service Staff Shall Be Qualified.

Compliance Requirements:

Service staff, such as driver, cook, janitor, and clerical workers, shall have the same personal qualifications required of other staff.

Ages and other conditions of employment shall conform to vehicular and child labor laws.

There shall be sufficient staff so that assignment of service duties shall not interfere with the child care staff's responsibility for the direct care of the children.

26. Substitutes, In Any Staff Position, Shall Have The Same Personal, Educational, And Professional Qualifications Required Of Staff For Whom They Substitute.

27. Volunteers, Including Mothers Assisting In Program, Shall Have The Same Personal Qualifications As Employed Staff, And Their Interests And Skills Shall Determine Their Assignments Within A Center. They May Be Assigned To Assist In Any Capacity, If They Meet The Qualifications Required For The Position.

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

Not specified

542. Child Caregiver Staff

Not specified

543. Support Staff

Not specified

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

36. The Center's Program Shall Complement The Child's Home Experiences.

Compliance Requirements:

The facility shall maintain records that demonstrate ongoing dialogue with parents in order to ensure harmony with the lifestyle and cultural background of the family and development and modification of program goals.

The staff of the facility shall demonstrate that the parents are encouraged to visit the facility and observe and participate in the experiences of their children.

The staff of the facility shall demonstrate that both caregivers' and parents' concern about the health, development, or behavior of any child are communicated promptly.

Each child's cultural, ethnic, and religious background shall be respected by the staff.

38. The Facility Shall Provide A Basic Program Of Well-Balanced And Constructive Activities Geared To The Age Levels And Developmental Needs Of the Children Served.

Compliance Requirements:

The day shall be scheduled to provide:

Regularity of such routines as eating, napping, and toileting with sufficient flexibility to respond to the needs of individual children. An outline of the daily schedules shall be posted;

A good balance of active and quiet play;

Sufficient time for activities and routines, so that the children can manage them and progress at their own developmental rate;

Program planning so that the children are not always required to move from one activity to another as a total group;

A program that avoids long waiting periods between activities and prolonged periods during which the children must stand or sit;

Daily periods of outdoor activity; and

A supervised nap period for children under six years of age who remain five or more hours. This nap period for the group should not normally exceed two and one-half hours. Children's shoes shall be removed during nap or rest periods. Children who remain for as long as four consecutive hours shall have a supervised rest period.

The program shall include:

Opportunities for a child to have free choice of activities to play alone, if desired, or with one of several chosen peers;

Opportunities to visit with children other than those in their own group or their own age or developmental level;

A variety of choice in activities on the child's developmental level;

Daily indoor and outdoor activities in which children make use of both large and small muscles;

Sufficient materials and equipment to avoid excessive competition and long waits; and

Provision for privacy through arranging a small, quiet area that is inviting to children and easily accessible to the child who seeks or needs time to be alone.

The program shall be modified as needed, when there are adverse environmental conditions caused by weather, heating or cooling difficulties, or other such problems.

When one large area houses more than one group, an attempt shall be made to program so that the noise level and its resulting impact on the child and staff is reduced. This may be done through such things as:

Arrangement of room with specially protected quiet areas and defined traffic patterns;

Scheduling so as to reduce the number of children engaged in high noise level activities.

39. The Daily Program Of The Facility Shall Provide Experiences Which Promote The Individual Child's Growth And Well-Being And The Development Of Skills, Social Competence, And Positive Self-Identity.

Compliance Requirements:

Each child shall be recognized as an individual; his choice of activities, personal privacy, and background shall be respected.

The daily program shall include firsthand experiences through which children learn about:

THE SELF: through mastery of experience, the development of self-help skills, and interaction with other children and adults who appreciate them as children and help them deal with their world.

SOCIAL RELATIONSHIPS: through direct experience with other children in such a way that there are opportunities to develop consideration for other individuals, to develop responsibility to the group, and to defend their rights and privileges.

THE WORLD IN WHICH THEY LIVE: through such experiences as:

Daily participation in a variety of activities such as art, music, literature, dramatic play, and science which lead to intellectual mastery and creative expression;

Daily experiences with self-help tasks and routine chores such as taking out and putting away materials, caring for equipment and their own clothing; and

Occasional trips out into the community.

Meal times shall be planned to meet the socialization needs of children by:

Helping children participate in the setting of tables, the serving of food, and cleanup activities;

Helping children learn to eat food with standard table service without embarrassment in front of others;

Helping children learn to extend their enjoyment of different foods through participation in food preparation and encouraging tasting;

Helping children learn to find meal times pleasurable through encouraging conversation; and

Sitting with the children during meals.

40. The Program Shall Take Into Account The Stress And Fatigue That Result From Constant Pressures And Stimulation Of Long Hours In A Group Living Situation.

Compliance Requirements:

Staff assignments shall be such that children experience comfortable, ongoing relationships with adults; every attempt shall be made to establish a primary relationship between each child and one adult.

The activities shall consist of a well-balanced program, capturing some of the ease and freedom of movement of home life.

Children shall be cared for in such a way that respects individual differences in interest, attention span, physical and intellectual maturity, with appropriate expectations and stimulation.

The noise level and the amount of visual stimulation impinging on the child throughout the day shall be controlled.

Special consideration shall be given to planning early morning and afternoon activities to help children cope with possible unhappiness over separation from parents and the usual end-of-the-day fatigue.

41. The Activities Shall Be Conducted At All Times In A Setting Designed And Arranged For Safety And Supervision Of The Children.

Compliance Requirements:

Activity areas, equipment, and materials shall be arranged so that staff can be easily aware of the child's presence and activity at all times.

Protected areas shall be provided where equipment and materials can be used with minimum interference or interruption.

54. A Center Receiving Children For Night Care Shall Comply With All General Standards For Child Care Facilities Except When Inconsistent With The Special Requirements Prescribed Herein.

55. The Maximum Capacity In a Night Care Center Is 20 Children.

56. Children Served In A Night-Care Program Shall Not Remain On The Premises For More Than 12 Hours In Any 24-Hour Period On A Regular Basis.

58. The Night Care Program Shall Facilitate A Relaxed Atmosphere Characterized By Informal Quiet Activities.

Compliance Requirements:

Scheduling shall reflect the need for regularity in meeting basic needs such as relaxation, meals, self-care, and sleep.

Evening activities shall be primarily self-selected by individuals. Selections shall be chosen from activities such as, but not limited to, outdoor play, reading, lounging, study, table games, group games, conversation, listening to music, watching television, dramatic play, and art.

Self-care routines shall include:

Brushing teeth at bedtime or upon rising;
Brushing the hair upon rising; and
A routine for toileting scheduled at bedtime and upon rising.

D. Sleeping arrangements shall be so arranged that the children who stay all night are not disturbed by the departure of those who stay only a portion of the night.

612. Program Equipment and Materials

42. Equipment Shall Be Arranged In Orderly, Clearly Defined Areas Of Interest, With Sufficient Space In Each Area For The Children To See Various Activities Available To Them.

Compliance Requirements:

Available areas shall include creative arts, books, table games, block building, science, music, housekeeping, and dramatic play.

The arrangement of areas shall take into consideration the traffic pattern in the room so that the quiet areas are out of the flow of traffic.

Quiet activities shall be separated from noisier activities.

43. Outdoor Equipment Shall Be Available And Provide Safe Opportunities For Both Large And Small Motor Skills And Shall Meet The Age Level And Needs Of The Children.

Compliance Requirements:

Basic outdoor equipment shall include items such as, but not limited to sandbox, climbing apparatus, wheel toys, water play materials, and balls.

Outdoor storage shall be available for equipment not permanently secured to the ground unless indoor storage space is available.

44. Indoor Equipment Shall Be Available So As To Provide For Active And Quiet Play Appropriate To The Age Level And Developmental Needs Of The Children.

Compliance Requirements:

Building materials such as, but not limited to, blocks and boards for construction activities shall be available.

Transportation and wheel toys shall be available.

Dramatic play materials such as, but not limited to, housekeeping items, toys, dress-up clothes and role-play materials and equipment shall be available.

Manipulative play materials such as, but not limited to, puzzles, pegboards, lotto, and nesting blocks shall be available.

Creative materials such as, but not limited to, easels, paints, finger paint, clay, and crayons shall be available.

Literature and other language developmental materials such as, but not limited to, books, flannel board stories, and poetry shall be available.

Music equipment such as, but not limited to, records and rhythm instruments shall be available.

The number and variety of toys shall be such that there is not constant quarreling over or waiting for the use of toys; each child shall have time to use the toys without fear of losing them to another child.

94. Furnishings And Equipment Shall Be Durable, Safe And Scaled To The Size Of The Children.

Compliance Requirements:

Child size chairs shall be used.

Tables shall be of appropriate height and of a size to accommodate comfortably a small group of not more than 8-10 children.

Individual lockers, cubicles, or separate hooks and shelves shall be provided for the children's personal belongings.

Low, open shelves for play materials and books shall be provided and within easy reach of the children.

Storage for surplus toys and supplies not currently in use shall be provided.

57. The Facility Shall Provide Equipment And Space Appropriate For Children Who Are Enrolled In Night Care.

Compliance Requirements:

Outdoor play space and equipment shall be available when the times of children's attendance coincide with daylight hours.

Each child shall have an individual cot, bed, or crib equipped with comfortable bedding appropriate to the season and maintained in sanitary and safe condition.

Each child shall have an individual washcloth, towel, toothbrush, comb or brush, and sleepwear furnished by the center or the child's parent(s).

613. Nap Provision

94. Furnishings And Equipment Shall Be Durable, Safe And Scaled To The Size Of The Children.

Compliance Requirements:

A cot must be provided for each child in an all-day program.

See also 611. Program of Activities

614. Discipline and Guidance

34. The Facility Staff Shall Use Discipline Measures Designed And Carried Out In Such A Way As To Help Individual Children Develop Self-Control And To Assume Responsibility For Their Own Acts.

Compliance Requirements:

Simple, understandable rules shall be established in writing for both children and staff. These rules shall set the limits of behavior required for the protection of the group and individuals within it.

Discipline shall be delegated to adults who have an ongoing relationship with a child.

Discipline shall be developmentally related to the child's act and shall not be out of proportion to the particular inappropriate behavior. Discipline shall be handled without prolonged delay.

Removal from the group as a means of helping a child gain control shall be for reasonable periods of time.

If there is an assessment of a child's pattern of unacceptable behavior, the entire staff should be aware of it and cooperate in carrying out the specific plan developed for him or her.

35. No Child Shall Be Subjected Under Any Circumstances To Corporal Punishment Inflicted In Any Manner Upon The Body Or To Verbal Abuse, Deprived Of Regularly Scheduled Meals Or Any Part Of Meals As Punishment, Or Punished For Toilet Accidents.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Not specified

712. Health Assessments

See 341. Children

713. Immunizations

See 341. Children

714. Sanitation

37. Children In The Facility Shall Be Helped With Their Personal Care And Cleanliness.

Compliance Requirements:

Wet or soiled clothing shall be changed immediately.

The hands shall be washed before and after meals.

Children's hands shall be washed after toileting.

Children shall have shower, tub or sponge baths to ensure bodily cleanliness when necessary.

Toilet articles such as comb, brush, toothbrush, towels, and washcloths used by children shall be individually provided by parent(s) or facility, plainly marked, and stored in a sanitary manner. Disposable articles are acceptable.

87. A Safe And Sanitary Water Supply Shall Be Maintained.

Compliance Requirements:

Water shall be provided to the facilty from an approved public water supply, when available.

When a private water supply is used, a monthly sample shall be submitted to the Illinois Department of Public Health, Division of Public Health. Lab reports of water analysis shall give approval for drinking. If children under one year of age are served in the facility, the nitrate content shall be acceptable for their consumption.

89. All Garbage And Refuse Within The Center Shall Be Collected Daily And Stored In A Manner That Will Not Permit The Transmission Of Disease, Create A Nuisance Or A Fire Hazard, Or Provide Harborage For Insects, Rodents, Or Other Pests.

Compliance Requirement:

An adequate number of covered, durable, water-tight, insect/rodent proof garbage and refuse containers shall be provided for use.

90. Insect And Rodent Control Shall Be Maintained.

Compliance Requirements:

All outside doors, operable windows, and other openings shall be screened during seasons requiring insect control. Doors with operable self-closing devices do not have to be screened.

Chemicals for insect and rodent control shall not be applied in areas accessible to children when children are present in the facility.

91. The Facility Shall Be Cleaned Daily And Kept In A Sanitary Condition At All Times.

Compliance Requirements:

The facility shall provide necessary cleaning and maintenance equipment.

Toys, table tops, furniture, and other similar equipment used by children shall be washed when they become soiled or contaminated with matters such as food, body secretions, and/or excrement.

Cleaning equipment, cleaning agents, aerosol cans, and other hazardous chemical substances shall be stored in a space designated solely for this purpose and shall be inaccessible to children.

Exit areas shall be kept clear of equipment and debris at all times.

92. Both Day Care Facilities And Night Care Facilities Shall Provide A Separate Crib, Bed, Or Cot And Individual Sheets And Other Bedding.

Compliance Requirements:

Cots, cribs, or beds used by children in a day care facility may be used for other children at night if separate sets of clean sheets and other bedding are provided each user, and if cots, cribs, or beds have been well aired and freshened.

Clean sheets or blankets shall be provided at least once a week or as frequently as needed when wet or soiled.

Waterproof mattress covers or undersheets for cribs, beds, or canvas cots shall be provided for all children who are bedwetters.

Each cot, bed, or crib shall be identified with the name of the child.

Sheets on beds shall be tightly fitting.

715. Daily Illness Screening

32. Children Shall Be Admitted And Discharged Under Circumstances Which Insure Protection Of Their Own And Other Children's Physical And Emotional Well-Being.

Compliance Requirements:

A daily, pre-admission screening of each child shall be made for obvious symptoms of illness which may prevent admission.

A child who does not appear to be fully recovered from an illness shall not be readmitted to the center unless there is a statement by an attending physician that the child is able to return and participate in the activities of the facility.

716. Care of Sick Children

33. Any Child In Attendance Who Becomes Ill Or Who Is Suspected Of Illness Shall Be Immediately Isolated From The Group And Shall Be Removed From The Facility As Soon As Possible.

86. Space Shall Be Provided For A Child Who Becomes Ill At The Center.

Compliance Requirements:

Such space shall be adequately ventilated and heated and equipped with a cot and materials that can be easily sanitized.

The child shall not be left unattended.

717. Medication and Special Diet Provisions

See 341. Children and 311. Nutritional Requirements

718. Waiver of Health Requirements

See 341. Children

720. SAFETY

721. General Safety Requirements

45. Small Healthy Animals May Be Permitted On The Premises Unless Prohibited By Health Regulations. A Qualified Veterinarian Shall Certify That The Animals Have Been Inoculated, When Required, Or Are Otherwise Free Of Diseases That Could Endanger The Children's Health.

Compliance Requirements:

All animals shall be physically separated from children both indoors and outdoors except as a portion of a specifically planned program activity under the direct supervision of a staff member.

There shall be careful supervision of children who are permitted to handle and care for the animals.

Immediate treatment for any child who sustains a bite or scratch from an animal shall be available.

82. The Condition Of The Indoor Space Shall Provide A Comfortable Environment For The Children.

Compliance Requirements:

The floors and floor coverings shall be washable and free from drafts, splinters, and dampness.

Any thermal hazards (radiators, hot water pipes, steam pipes, heaters) in the space occupied by children shall be out of the reach of children or be separated from the space by partitions, screens, or other means.

93. Facilities And Equipment Shall Be Kept In Safe Repair So As Not To Expose Children To Hazardous Situations.

Compliance Requirements:

Any interior or exterior painted surface including walls, floors, ceilings, equipment, toys, furnishings, and cribs shall be maintained in good order free of lead paint.

Electrical outlets within the reach of children shall be covered or be otherwise shockproof.

722. Fire Safety Requirements

Not specified

723. Transportation

69. A Center Providing Direct Transportation Services Shall See That Standards For Drivers And Upkeep Of The Vehicles Used In Transporting Children Are Maintained.

Compliance Requirements:

There shall be conformance to state laws pertaining to regulations regarding drivers, vehicles, and insurance.

Evidence of compliance with vehicular laws shall be produced for examination by the Department representatives.

70. The Driver Of A Vehicle Transporting Children Shall Be At Least Twenty-One Years Of Age And Not Over Sixty-Five Years Of Age.

71. The Driver Shall Meet The Personal And Health Qualifications Of Other Staff.

72. The Driver Shall Hold An Appropriate License.

73. The Driver Shall Not Leave The Vehicle Unattended At Any Time While Transporting Children.

74. The Driver Shall See That Each Child Boards And Leaves The Vehicle From The Curb Side Of The Street And/Or Is Safely Conducted Across The Street.

75. The Driver Shall See That A Responsible Person Is Present To Take Charge Of A Child When Delivered To His Home Or To The Center.

76. The Driver Shall See That Good Order Is Maintained In The Vehicle For Safety Of The Children In Transit.

77. The Capacity Of The Vehicle Shall Conform To The Manufacturer's Specifications.

78. An Attendant Shall Be Assigned To Assist With Children While Being Transported When The Size Of The Group And/Or Handicapped Children Require This For Their Safety.

79. The Vehicle Shall Be Maintained In Excellent Condition At All Times.

Compliance Requirements:

The vehicles shall be thoroughly inspected, at least every six months, for mechanical flaws which, if found, shall be corrected immediately.

The vehicle shall be equipped with safety locking devices on doors.

The vehicle shall be equipped with a mounted spare tire, ready for service, and a jack.

724. Safety Requirements for Equipment

43. Outdoor Equipment Shall Be Available And Provide Safe Opportunities For Both Large And Small Motor Skills And Shall Meet The Age Level And Needs Of The Children.

Compliance Requirements:

Outdoor equipment shall be placed so as to avoid collisions and accidents while still permitting freedom of action by the children.

Supports for climbing apparatus and large equipment shall be securely fastened to the ground.

There shall be a soft, resilient surface or a pad under all climbing equipment from which children might fall.

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

Not specified

727. First Aid Supplies

94. Furnishings And Equipment Shall Be Durable, Safe And Scaled To The Size Of The Children.

Compliance Requirements:

A first-aid kit and a chart or handbook of first aid instructions shall be available for staff use.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

48. All Facilities Shall Provide Meals And Snacks Of A Quality And Quantity To Supplement Food Served At Home So That The Daily Nutritional Needs Of The Child Are Met. Food Shall Be Served In Accordance With The Time The Child Spends At The Facility; Cultural, Ethnic, and Regional Food Preferences Shall Be Considered In Planning Meals.

Compliance Requirements:

Daily food requirements: a child of one to six years requires 1300- 1800 calories daily. Food requirements for children between birth and the age of eating table food shall be geared to the needs of the individual child and determined by consultation of parents with a physician. The facility shall provide 1/3 to 2/3 of the daily calories, depending on the length of time of the child's stay.

Daily food requirements shall be determined according to the length of stay in the facility.

Children in attendance for more than two but less than five hours per day shall be served a mid-session snack consisting of 1/2 cup of a citrus fruit juice or a fortified juice containing 30 mg. of Vitamin C per serving, or one serving of fruit with equivalent Vitamin C content, or six oz. of Grade A pasteurized fortified milk. If the child's hours at the facility coincide with any meals and snacks that are provided by the facility, the child shall be served those meals and snacks.

Children in attendance five to ten hours shall be served a quantity of food that will supply 1/3 to 1/2 of their recommended dietary allowances as described above. This shall include a nutritious hot meal, a mid-morning snack, and a mid-afternoon snack.

Menu Requirements:

Menus shall be planned, dated, and posted for one week in advance, and corrected as served. Corrected menus shall be on file and subject to review. Current menus shall be posted.

Menus shall be planned with consideration for cultural and ethnic patterns, but must also be nutritionally equivalent to the above requirements.

Catered foods shall meet the above requirements.

Sandwich lunches shall not be brought from home as a substitute for a hot meal provided by the facility. Picnic lunches may be served occasionally.

Diet patterns (special diets) other than those described may be provided if written approval is obtained by a physician.

Medically prescribed diets for children enrolled in the facility shall be provided as ordered by a physician. Such diets shall be on file at the facility and adhered to in preparation and service. Records of food intake shall be maintained when indicated.

Food Service Requirements:

Children shall be served small servings of bite-size pieces with second helpings always available. Variations in size of servings allow for adaptation to the age and needs of each child, small and big appetites, etc.

All meals shall be suitable for children and shall be prepared by methods designed to conserve nutritive value, flavor, and appearance.

Introduce only one new food at a time. Serve in very small amounts with familiar food.

Adults shall sit at the tables with the children during at least part of the meal.

Avoid delays in food service so that children do not have to sit and wait.

Meals shall be relaxed and unhurried.

Children shall not be forced to eat.

Tables, chairs, dishes, glasses, and eating utensils shall be of design and size suitable for use by younger children.

49. Drinking Water Shall Be Freely Available To Children Of All Ages.

Compliance Requirements:

The facility shall have drinking water available to all children and the staff. Water shall be offered at intervals to infants and toddlers.

Approved drinking fountains and/or disposable cups for individual use shall be provided.

59. The Nutritional Needs Of The Night Care Children Shall Be Fulfilled.

Compliance Requirements:

An evening meal shall be served at a regular time each evening to all children then in attendance, and shall be available to other children who may arrive without having first eaten.

A bedtime snack shall be served to each child.

Breakfast shall be provided for all children who have been at the facility throughout the night and/or are present between 6:30 and 8:30 a.m.

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

88. Kitchen Areas Shall Meet The Following Requirements:

Compliance Requirements:

The kitchen shall be clean and equipped for preservation, storage, preparation, and serving of food.

Provision shall be made for the cleaning and sanitation of dishes.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

See DAY CARE CENTERS - (Infant Day Care Centers)

1120. HEALTH AND SAFETY REQUIREMENTS

See DAY CARE CENTERS - (Infant Day Care Centers)

1130. INFANT NUTRITION

See DAY CARE CENTERS - (Infant Day Care Centers)

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

60. The Standards And Regulations Stated In Other Divisions Of This Publication Shall Apply To Facilities Caring For Children With Special Needs Unless Indicated Otherwise In This Division By Substitution And/Or Additions.

61. The Facility Shall Provide Activities To Meet The Assessed Needs Of Each Child Served Within The Definitions Of This Section.

Compliance Requirements:

Children identified as having special needs shall be provided with planned program activities designed to relate to those needs.

There must be written evidence on file that resource personnel with appropriate expertise have been consulted and their recommendations followed.

Recommendations made by the resource personnel and designed into a program plan by the resource team for the child with special needs shall be implemented. The Resource team shall consist of the director, direct child development staff, and registered, licensed, and/or certified resource personnel such as physicians, psychologists, social workers, speech therapists, physical and occupational therapists, educators, and other technical and professional personnel, as indicated by the child's special needs.

All program recommendations from resource persons related to a child's special needs shall be evaluated and reviewed at least semi-annually.

Parents should be fully informed and in agreement with all procedures undertaken in relation to the child's needs.

62. When A Facility Agrees To Accept A Child With Special Needs Who Attends Another School There Shall Be Communication With That School As Well As The Parent.

Compliance Requirements:

Individual records shall be obtained by the facility.

Communication with the school personnel and parents regarding the child's special needs and progress shall be maintained.

67. Individual Records Shall Be Made Available To Parents And Shall Include Information Needed To Assist The Staff In Planning Effectively To Meet Each Child's Needs, And Shall Be Kept Confidential. No Record Or Portion Thereof Shall Be Transferred Without Written Parental Permission.

Compliance Requirements:

The indvidual record shall include:

- All assessments;
- Program recommendations;
- Program provisions to meet recommendations;
- Program evaluations; and
- Program adjustments as indicated by the evaluations.

Facilities shall make known to the parents that records are available.

68. The Requirements For Providing Program, Space, Equipment, And Plan Shall Be Based Upon Procedures As Described In This Section Even When Individuals Over The Age Of 18 Are Also Served In The Facility.

1220. HEALTH AND SAFETY REQUIREMENTS

63. Building And Equipment Shall Be Designed So That Every Child Can Make Maximum Use Of The Facility As Safely And As Independently As Possible.

Compliance Requirements:

The facility area to be utilized by a child with special needs shall be adapted as necessary to accommodate special devices which he may require to function independently.

Minimum space requirements per child with special need(s) shall be 35 square feet. In determining space needs, however, more space per child may be required when considering the age or size of the child, activity recommendations, ambulation problems, special equipment, or other factors.

A special area shall be maintained for the purpose of providing privacy for diapering, dressing, and other personal care procedures.

66. Medical Consultation And Direction Shall Be Available To Staff. Other Medical Services, Such As Direct Medical Care To The Child, Shall Be Administered As Required By A Physician, Subject To Receipt Of Appropriate Releases From Parents. These Shall Be On File For Each Child For Administration Of Any And All Prescribed Medicine.

1230. STAFFING

64. In Addition To The Personnel Qualifications Stated Previously In The Standards, Staff To Serve Children With Special Needs Shall Have An Additional Background Of Training And Experience Such That May Provide An Appropriate Environment To Serve These Children.

Compliance Requirements:

Persons rendering special professional services to these children must be registered according to State registration and/or certification laws currently in effect, if applicable, or must be functioning under the direction of a person so qualified.

When a facility serves eight or more children with special needs, the identified staff person or persons directly responsible for planning and coordinating activities for these children shall have achieved training at the college and/or university level which includes:

A course that deals with normal child development;

A course that deals with problems and treatment of exceptional children.

The staff serving children who require special program services shall receive in-service training that relates to the specific needs of the children served.

65. The Child/Staff Ratio Must Be Such That Each Child Has Available Individual Assistance And Guidance As Determined By The Severity Of His Needs.

Compliance Requirements:

The ratio of staff involved in direct child care to the number of children served shall be 1:4.

Adult persons who are served in the program or student helpers under 18 years of age shall not be counted as staff.

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

50. The Facility Shall Provide A Designated Area So That The Older Children's Presence Shall Not Interfere With The Needs And Care Of Younger Children.

51. The Facility Shall Provide A Program And Activities That Recognize The Developmental And Educational Needs Of School-Age Children Who Need Group Care Before And After School.

Compliance Requirements:

Nutrition:

Food shall be offered if the children have not had breakfast at home or are not regularly receiving breakfast at school.

A snack shall be served when children arrive at the facility after school.

Children who come to the facility from school for a lunch program shall be served a nutritionally balanced meal conforming to Type A School Lunch Regulations.

School-age children shall be served alone or with the younger children if they can be handled without disruption to the ongoing program.

Program activities:

Before school, quiet activities such as, but not limited to, puzzles, small games, reading books, simple art or special projects, and opportunities to do homework shall be accessible on a free choice basis to children waiting in the facility to leave for school during the morning hours.

After school:

Outdoor and indoor activities shall be provided.

Children who have been in school all day shall have time set aside for relaxation and recreation immediately upon arrival from school.

Large motor activities, indoors and outdoors, shall be provided.

Opportunity for the development of skills in areas such as sports, music, art, etc., shall be available.

Special projects outside the confines of the facility shall be provided, such as trips to the library, etc., when appropriate.

The program shall be flexible to allow the children to participate in after-school activities sponsored by the school.

52. School-Age Children Who Are At A Facility For An Entire Day Because of School Holidays Or During Summers When They Are Not In School Shall Have An All-Day Program Planned Especially To Meet Their Needs.

53. Clear Definitions Of Legal Responsibility and Procedures Shall Be Established Between Parent, Facility And School When Children Move To And From School.

Compliance Requirements:

A parent shall be legally responsible for the child enroute unless transportation is provided by the facility or by the school.

Procedures shall be established and agreed to in writing by the parents, the school and the facility including, but not restricted to:

Children leaving the facility to go to school;
Children leaving the school to go to the facility;
Children leaving the facility; and/or
Children leaving school for regular school activities or visiting friends.

1320. HEALTH AND SAFETY REQUIREMENTS

Not specified

1400. FACILITY REQUIREMENTS

1410. SPACE

80. The Physical Facilities Provided Both Indoors And Outdoors Shall Protect The Health And Safety Of Children.

Compliance Requirements:

The building or portion of the building to which children from the center have access shall be used only for a program of child care during the hours that the center is in operation. This shall not be construed to mean that the space used for the program cannot be shared by other groups or persons when the children enrolled are not present.

81. There Shall Be Sufficient Indoor Space To Conduct The Program.

Compliance Requirements:

There shall be a minimum of 35 square feet of activity area per child in centers for normal children two years of age and over.

This space is exclusive of exit passages and fire escapes, which must be clear.

This space is exclusive of administrative space, storage areas, bathroom, kitchen, and other space required for equipment that is not used for direct activities with children.

During nap time, there shall be at least two feet of space on at least two sides between cots.

Storage space shall be provided for cots, bedding, and other equipment.

One room, no matter how large, shall accommodate only one group unless room dividers at least 3'6" in height are used to define and separate the space for each group.

All rooms or spaces accommodating more than one group shall be provided with an acoustical ceiling or its equivalent in carpeting or wall covering. If carpeting is used to control noise, it shall not be required in water play, painting, and similar areas.

83. Outside Play Area Shall Be Provided.

Compliance Requirements:

The total play area shall accommodate at least 25% of the licensed capacity at one time.

There shall be a minimum of 75 square feet of safe outdoor play area per child for the total number of children using the area at any one time.

Play space shall be safely enclosed or otherwise protected from traffic and other hazards.

Protective surface, such as, but not limited to, grass, P-gravel, and mulching shall be provided in areas where climbing apparatus is used.

There shall be provided a surface that is suitable for children's wheeled vehicles and pull toys.

There shall be open and sheltered areas to permit children to enjoy activities in either sun or shade and to protect them from excessive exposure.

If an area not connected with the facility, such as a public park or playground, is used for play or recreation, the children shall be closely supervised both during play and while traveling to and from the area.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

82. The Condition Of The Indoor Space Shall Provide A Comfortable Environment For The Children.

Compliance Requirements:

Adjustable window shades, drapes, or venetian blinds shall be provided.

During the heating season and during periods of occupancy by children, the room temperature shall not be less than 68° and not more than 74° measured 3 feet above the floor.

Natural or mechanical ventilation shall be provided within the facility.

Areas where children read, paint, or participate in other activities requiring close eye work shall be provided with a minimum of 30 foot candles measured 2 feet above the floor. Artificial light sources shall be protected from hazards of breakage by installation of covers or shields. Other areas may be provided with foot candles of varying intensity, depending on the usage; the average foot candles for the entire classroom area shall be at least 20 foot candles measured 2 feet above the floor.

1430. EXITS

94. Furnishings And Equipment Shall Be Durable, Safe And Scaled To The Size Of The Children.

Compliance Requirements:

Facilities operating on two or more floors shall have some means of formal communications between floors.

1440. TOILETS AND LAVATORIES

84. Toilets And Lavatories Shall Be Readily Accessible To The Children.

Compliance Requirements:

If toilets and lavatories are not child sized, safely usable steps shall be provided.

Hot and cold running water shall be provided.

Mild soap and individual towels shall be available and used. Towels may be disposable.

Hot water supplied to lavatories, bathing facilities, and other plumbing fixtures used by children shall be tempered or thermostatically controlled to less than 120 degrees F.

The following ratios of lavatories and toilet facilities shall be provided:

Number of Children in Day Care Facility	Toilets	Lavatories
1 to 10	1	1
11 to 25	2	2
26 to 50	3	3
51 to 75	4	4
76 to 100	5	5
101 to 125	6	6
126 to 150	7	7
151 to 175	8	8

Toilets shall be within close proximity to the children's activity areas. If this is not possible in existing facilities, an adult shall accompany children four years of age and younger.

85. Toilet And Lavatories Shall Be Readily Accessible To The Staff.

Compliance Requirements:

Toilets with privacy measures and lavatories shall be provided in a ratio of 1:15.

Kitchen sinks used for food preparation shall neither be used as handwashing lavatories, nor included in the total number of handwashing lavatories required.

Mild soap and individual towels shall be supplied.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

80. The Physical Facilities Provided Both Indoors And Outdoors Shall Protect The Health And Safety Of Children.

Compliance Requirements:

The building housing a center shall be approved prior to occupancy by the proper health and fire authorities. Thereafter, inspection and approval shall be in accordance with the regulations of the proper health and fire authorities.

1530. BUILDING

See 1520. FIRE

1540. HEALTH

See 1520. FIRE

1550. SANITATION

See 1520. FIRE

1560. NEW CONSTRUCTION

Not specified

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

80. The Physical Facilities Provided Both Indoors And Outdoors Shall Protect The Health And Safety Of Children.

Compliance Requirements:

The building housing a center shall be approved prior to occupancy by the proper health and fire authorities. Thereafter, inspection and approval shall be in accordance with the regulations of the proper health and fire authorities.

1530. BUILDING

See 1520. FIRE

1540. HEALTH

See 1520. FIRE

1550. SANITATION

See 1520. FIRE

1560. NEW CONSTRUCTION

Not specified

Except as otherwise noted, all citations are from the Illinois Department of Children and Family Services, Regulation 5.13A, Lincensing Standards for Infant and Toddler Day Care Centers, January, 1978.

100. STATE LICENSING OF CHILD DAY CARE FACILITIES

110. TYPES OF FACILITIES SUBJECT TO LICENSURE AS DEFINED BY STATE STATUTES AND REGULATIONS AND/OR LOCAL ORDINANCES AND REGULATIONS

111. Definitions

See DAY CARE CENTERS

112. Exclusions and Exemptions

See DAY CARE CENTERS

113. HHS Day Care Compliance

See DAY CARE CENTERS

120. AGENCY RESPONSIBLE FOR LICENSING OF DAY CARE PROGRAMS

121. Organization of the Administrative Unit

See DAY CARE CENTERS

122. Responsible Official

See DAY CARE CENTERS

200. LICENSING PROCESS AND ENFORCEMENT PROCEDURES

210. LICENSING PROCESS

211. Promulgation of Regulations

See DAY CARE CENTERS

212. Advisory Body and Other Community Participation

See DAY CARE CENTERS

220. LICENSING PROCEDURE

221. Application and Issuance

See DAY CARE CENTERS

222. Fee Charged

See DAY CARE CENTERS

223. Areas of Investigation

See DAY CARE CENTERS

224. License Renewal

See DAY CARE CENTERS

225. Conditional/Provisional Licenses

See DAY CARE CENTERS

226. Substantial Compliance

See DAY CARE CENTERS

230. ENFORCEMENT PROCEDURES

231. Facility Inspections

See DAY CARE CENTERS

232. Denial, Suspension, Revocation of a License

See DAY CARE CENTERS

233. Remedies and Sanctions

See DAY CARE CENTERS

233.1 Hearings

See DAY CARE CENTERS

233.2 Decisions

See DAY CARE CENTERS

233.3 Judicial Review

See DAY CARE CENTERS

300. ADMINISTRATION

310. GENERAL ADMINISTRATION

311. General Administrative Requirements

1. A Center Receiving Children Within The Infant And Toddler Age Range Shall Comply With The General Standards Prescribed For Care Of All Children, Except When Inconsistent With The Special Requirements For Infants And Toddlers Prescribed Below.

4. Care Of The Children Shall Be Given In Such A Manner As To Insure That The Health And Safety Needs, As Well As The Nurturing Requirements Of The Children, Are Met.

Compliance Requirements:

Records and Procedures

A copy of these standards shall be posted.

312. Telephone

3. Indoor And Outdoor Play Materials And Equipment Suitable For Staff To Use With Infants And Toddlers To Stimulate Learning, Growth, Health, And Development Shall Be Provided.

Compliance Requirements:

Telephone or intercom service shall be readily accessible.

313. Proof of Operator Financial Capabilities

See DAY CARE CENTERS

314. Insurance

See DAY CARE CENTERS

320. PERSONNEL

321. Publication of Personnel Policies

See DAY CARE CENTERS

322. Constraints Against Employment

See DAY CARE CENTERS

330. NON-DISCRIMINATION

331. Requirements Prohibiting Discrimination

Not specified

340. RECORDS REQUIREMENTS

341. Children

See DAY CARE CENTERS

342. Staff

See DAY CARE CENTERS

343. Child Eligibility and Enrollment Requirements

See DAY CARE CENTERS

344. Child Abuse Reporting

4. Care Of The Children Shall Be Given In Such A Manner As To Insure That The Health And Safety Needs, As Well As The Nurturing Requirements Of The Children, Are Met.

Compliance Requirements:

Records and Procedures

Suspected child abuse shall be reported to the Department of Children and Family Services immediately.

345. Confidentiality of Records Requirements

See DAY CARE CENTERS

400. GROUP COMPOSITIONS OF CHILDREN

410. STAFF/CHILD RATIO REQUIREMENTS

411. Staff/Child Ratio as of March, 1981

4. Care Of The Children Shall Be Given In Such A Manner As To Insure That The Health And Safety Needs, As Well As The Nurturing Requirements Of The Children, Are Met.

Compliance Requirements:

Supervision and Discipline

The caregiver who is in charge of a group of four children shall be in constant supervision of the children. If the caregiver is to leave the area for a break or for any other reason, another qualified person shall be called into the area.

8. Staff Who Work With Infants And Toddlers Shall Understand The Developmental Needs Of Children Of This Age, Act In A Warm And Parenting Manner, And Provide Nurturing Care And Developmental Stimulation.

Compliance Requirements:

There shall be one adult for every four infants and one adult for every five toddlers.

A trained substitute shall be available and used when a regular staff member is unable to be at work.

412. Methods of Computing Staff/Child Ratios

See 411. Staff/Child Ratios as of March 1981

420. GROUP SIZE

421. Group Size as of March, 1981

8. Staff Who Work With Infants And Toddlers Shall Understand The Developmental Needs Of Children Of This Age, Act In A Warm And Parenting Manner, And Provide Nurturing Care And Developmental Stimulation.

Compliance Requirements:

There shall be small groups of infants and toddlers and sufficient numbers of qualified staff to provide for each child's physical care and safety and to offer such individual attention to children as may be needed.

The maximum number of infants in any one group shall not exceed 12.

The maximum number of toddlers in any one group shall not exceed 15.

The maximum number of combined infants and toddlers in any one group shall not exceed 14.

422. Methods of Computing Group Size

See 421. Group Size as of March 1981

500. STAFF QUALIFICATIONS AND TRAINING REQUIREMENTS

510. CHILD CAREGIVER STAFF QUALIFICATIONS

511. Age

See DAY CARE CENTERS

512. Health

8. Staff Who Work With Infants And Toddlers Shall Understand The Developmental Needs Of Children Of This Age, Act In A Warm And Parenting Manner, And Provide Nurturing Care And Developmental Stimulation.

Compliance Requirements:

All persons working with children shall be in good physical health.

No person shall be allowed to work in an infant or toddler group until after passing a physical examination evidencing good physical health and freedom from infectious disease. The physical is to be updated every two years.

Staff members shall not remain on duty in an infant or toddler unit if they have a fever or sore throat or are experiencing the effects of vomiting or diarrhea.

Evidence of current freedom from infectious disease may be required at any time.

513. Education

See DAY CARE CENTERS

514. Experience

See DAY CARE CENTERS

520. PROGRAM DIRECTOR QUALIFICATIONS

521. Age

See DAY CARE CENTERS

522. Health

See DAY CARE CENTERS

523. Education

See DAY CARE CENTERS

524. Experience

See DAY CARE CENTERS

530. SUPPORT STAFF QUALIFICATIONS

See DAY CARE CENTERS

540. POST EMPLOYMENT/IN-SERVICE: ORIENTATION AND TRAINING

541. Program Director

See 542. Child Caregiver Staff

542. Child Caregiver Staff

8. Staff Who Work With Infants And Toddlers Shall Understand The Developmental Needs Of Children Of This Age, Act In A Warm And Parenting Manner, And Provide Nurturing Care And Developmental Stimulation.

Compliance Requirements:

There shall be a professionally qualified person available to supervise the care of infants and to instruct other staff members in the proper health care techniques and procedures necessary to insure the health and welfare of the children. The individual shall be present at least once a week during the hours of operation and spend a minimum of one hour in observing the child care techniques of the staff. Visits shall be made as often as and to whatever length is required to assure that proper care of the children is maintained.

At least one staff member on duty shall be trained regarding first aid procedures for infants and toddlers.

543. Support Staff

See 542. Child Caregiver Staff

600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

610. PROGRAM REQUIREMENTS

611. Program of Activities

5. Infants And Toddlers Shall Be Provided A Daily Program That Is Designed To Meet The Developmental Needs Of Children Of This Age.

Compliance Requirements:

The same staff member shall feed, diaper, and play with a child every day so as to establish warm interaction and to establish continuity in the child's relationshp with adults at the facility.

Children shall be free to creep, crawl, toddle, and walk as they are physically able.

When a staff member is interacting with an infant, that staff member shall seek to establish eye contact with that infant.

Children shall be taken outdoors for a portion of every day, weather permitting.

Toys shall be accessible on low open shelves for the children to use and shall be rotated with stored toys.

For those infants who cannot move about the room, the staff shall frequently change the place and position of the child and the selection of toys available.

Information shall be kept and made available to parents when the child is picked up at the end of the day. This shall include information important for parents to know, such as facts of feeding and elimination.

Opportunities for interaction with parents, brothers and sisters, other relatives, and older children in the facility shall be provided for and encouraged on a continuing basis.

6. The Daily Program For Infants And Toddlers Shall Provide Experiences Which Promote The Individual Child's Growth And Well-Being In The Development Of Gross And Fine Motor Skills, Sensory Learning, Language, Cognition, And Positive Self-Concept.

Compliance Requirements:

Gross and fine motor activity

The staff member shall encourage the progression of gross and fine motor skills, such as following colorful objects with the eyes, finding objects under clothes and boxes, reaching out and grasping objects, picking up and letting go of objects, rolling over, sitting up, creeping, crawling, walking, rolling balls, running, kicking, jumping, and dancing.

Small infants who are awake shall be moved to different positions at least every 30 minutes and shall be held, rocked, and carried about.

Sensory learning

Opportunities to handle objects with different textures such as water, sand, play dough, grass, and toys shall be provided.

Opportunities to hear pleasing sounds such as wind chimes and music shall be arranged.

New and different foods with varying smells, colors, and textures shall be presented to the infant.

Language

Each staff member shall repeat vocal sounds made by infants, such as cooing and babbling, in games in which the infants are encouraged to repeat the sounds in "conversation," such as sounds like "ba-ba" and "mum-mum."

As infants progress in age and ability to imitate sounds, adults shall present sounds increasingly similar to words for the infants to repeat. For example, "sh-sh," "meow," "moo," and "buss."

Staff members shall pronounce the names of objects to infants and toddlers, associating words with objects.

Infants and toddlers shall be able to hear meaningful conversation between adults and between adults and other children. When names for objects have come to be understood by the infants and toddlers, adults shall use those words in simple commands like "Get the ball."

Adults shall describe what is happening to the infant during the day, such as "Let's zip up your pajamas," or "Here is your warm bottle." The staff member might sing about what is happening, look at simple picture books, and play games like pat-a-cake or peek-a-boo.

Adults shall use language to expand the infant's and toddler's learning. If a child approaches a ball and says "Ba," the adult might say, "Do you want the ball?"

Cognition

There shall be opportunities for problem solving, such as a toy to which a string has been attached so the child can pull it.

There shall be opportunities to make choices, such as choosing between a book and a toy.

There shall be opportunities to manipulate objects, such as simple puzzles, large beads, stacking toys, shape box, and toys of graded sizes.

In everyday situations, the adult shall point out the concepts of number, color, shape, and size.

There shall be opportunities for the child to hunt for small "hidden" objects, such as hiding a small object under a cloth or box well within the range of the infant's vision.

Self-concept

The adult shall show warm, positive feelings toward each infant, demonstrating these through actions such as hugging, patting, smiling, and cuddling.

Each infant's name shall be used frequently to help him or her to develop an identity.

The adult shall informally explain to the infant the parts of the body by pointing and naming them.

Simple singing games about each infant, his or her body parts, and types of clothing shall be played.

Self-care such as washing, dressing, toileting, brushing, and combing shall be encouraged as each child shows evidence of ability to do so, in order to enhance feelings of self-competence.

7. The Program Shall Take Into Account The Possible Stress And Fatigue Resulting From The Stimulation And Activity Of Long Hours In A Group Living Situation.

Compliance Requirements:

Staff members shall observe each infant to decide how much stimulation is enough at a particular time.

Activities in the center shall capture the ease and freedom of movement of home life.

A primary relationship for each child with a "mothering" staff person shall be insured.

612. Program Equipment and Materials

3. Indoor And Outdoor Play Materials And Equipment Suitable For Staff To Use With Infants And Toddlers To Stimulate Learning, Growth, Health, And Development Shall Be Provided.

Compliance Requirements:

A refrigerator shall be available and easily accessible to the children's room.

Conveniently located, washable, plastic-lined covered receptacles shall be provided for soiled diapers and linens.

Indoor and outdoor play materials shall include toys for large and small motor development, for sensory stimulation, for language development, for cognitive development, and for development of self-concept.

Duplicate play materials (such as puzzles or blocks) shall be available to facilitate parallel play.

A heating unit for warming bottles and food shall be easily accessible to adults only.

Training chairs shall be provided for infants, toddlers, and handicapped children who require them. Training "potties" will be promptly cleaned and sanitized after each use. Potties or portable toilets shall be provided at a ratio of one for each three children.

6. The Daily Program For Infants And Toddlers Shall Provide Experiences Which Promote The Individual Child's Growth And Well-Being In The Development Of Gross And Fine Motor Skills, Sensory Learning, Language, Cognition, And Positive Self-Concept.

Compliance Requirements:

Gross and fine motor activity

There shall be a variety of toys, art materials, and finger foods for infants and toddlers to grasp, pick up and manipulate. These shall be changed frequently.

There shall be small-sized outdoor equipment such as infant swings, tunnels, and climbers for the use of infants and toddlers.

Sensory learning

There shall be colorful mobiles and wall decorations for the children to look at within their range of vision; these shall be rearranged periodically.

Cognition

There shall be a variety of colorful toys for the infant to look at, suck, mouth, hit, bang, shake, drop, throw, and examine. Objects which respond to the infant's actions, demonstrating to the infant that he or she can make interesting things happen, shall be provided.

613. Nap Provision

4. Care Of The Children Shall Be Given In Such A Manner As To Insure That The Health And Safety Needs, As Well As The Nurturing Requirements Of The Children, Are Met.

Compliance Requirements:

Sleeping

Each child shall be placed in a separate bed that has the child's name visible.

Very young infants who cannot turn over shall be placed on their abdomen for their naps and immediately after a feeding unless counter-indicated by a physician.

Sheets shall be changed when soiled. All sheets shall be changed routinely two times per week.

All beds shall be wiped clean as often as necessary.

All beds shall be thoroughly cleaned when each child is no longer enrolled in the nursery. At no time will two children be allowed to share the same bed during their time of enrollment, unless it is fully cleaned between each child's use.

Routines such as naps and feedings shall take into consideration parents' information and wishes about the routines followed in the home.

614. Discipline and Guidance

4. Care Of The Children Shall Be Given In Such A Manner As To Insure That The Health And Safety Needs, As Well As The Nurturing Requirements Of The Children, Are Met.

Compliance Requirements:

Supervision and Discipline

Firm positive statements about or redirection of infants' behaviors shall be the effective controlling techniques used.

No child shall be subjected under any circumstances to humiliating or corporal punishment inflicted in any manner upon the body or to verbal abuse, deprived of regularly scheduled meals or any part of meals as punishment, or punished for toilet accidents, in addition to Licensing Standards for Day and Night Care Centers Regulation 39.

700. HEALTH AND SAFETY

710. HEALTH

711. General Health Requirements

Not specified

712. Health Assessments

Not specified

713. Immunizations

Not specified

714. Sanitation

2. A Facility For Infants And Toddlers Shall Have Sufficient Indoor And Outdoor Space And Appropriate Furniture To Provide For Support Functions Necessary To The Program And To Provide For The Reasonable Comfort And Convenience Of Staff And Parent(s).

Compliance Requirements:

Walls and flooring shall be washable materials; all painted surfaces shall be of nontoxic paints.

3. Indoor And Outdoor Play Materials And Equipment Suitable For Staff To Use With Infants And Toddlers To Stimulate Learning, Growth, Health, And Development Shall Be Provided.

Compliance Requirements:

Bed linens used on the cots, cribs, or playpens shall be tightly fitting and washable.

4. Care Of The Children Shall Be Given In Such A Manner As To Insure That The Health And Safety Needs, As Well As The Nurturing Requirements Of The Children, Are Met.

Compliance Requirements:

Diapering and toileting
  Infants and toddlers shall be diapered:
    In their own individual cribs
    Or at a central diapering area
      On a surface that is sanitized after each diapering.

Or on a disposable paper sheet which is disposed of after each diapering.

If there has been defecation or if irritation is present, the child's hands are to be washed prior to the anal area with a clean, damp, soapy cloth, then rinsed with a second clean cloth in the same order.

The fecal contents of the diaper shall be disposed of into a flushing toilet, with the diaper then being wrung out and placed in a diaper pail.

Adults shall wash hands vigorously for at least 15 seconds with soap and running water after each diaper change.

There shall be a parent-staff consultation prior to toilet training.

Children shall never be punished for toilet accidents.

Bathroom odors shall be controlled.

Sanitary Procedure

All utensils shall be washed after each use.
Toys and equipment shall be kept clean.
A child's toilet seat or potty shall be cleaned and sanitized after each use.

715. Daily Illness Screening
See DAY CARE CENTERS

716. Care of Sick Children
See DAY CARE CENTERS

717. Medication and Special Diet Provisions

4. Care Of The Children Shall Be Given In Such A Manner As To Insure That The Health And Safety Needs, As Well As The Nurturing Requirements Of The Children, Are Met.

Compliance Requirements:

Health and Medical Care

The following procedures shall be followed, in addition to Licensing Standards for Day and Night Care Centers Regulation 100:

Medication shall be administered to a child only upon written request of the parents or guardian. The following procedures shall be followed:

A bulletin board shall be placed in a visible position with the child's name, medication times, and prescription number listed on the board. Also listed shall be the name of the person administering the medication.

Each time the medication is given, the medication time shall be crossed off the board.

The same person on a shift shall always be responsible for administering medication.

718. Waiver of Health Requirements

Not specified

720. SAFETY

721. General Safety Requirements

2. A Facility For Infants And Toddlers Shall Have Sufficient Indoor And Outdoor Space And Appropriate Furniture To Provide For Support Functions Necessary To The Program And To Provide For The Reasonable Comfort And Convenience Of Staff And Parent(s).

Compliance Requirements:

Electrical outlets accessible to the children shall have protective covering. No extension cords shall be used in areas accessible to children. All electrical cords not in use with supervision of an adult shall be unplugged and the outlets covered.

722. Fire Safety Requirements

4. Care Of The Children Shall Be Given In Such A Manner As To Insure That The Health And Safety Needs, As Well As The Nurturing Requirements Of The Children, Are Met.

Compliance Requirements:

Safety

There shall be a posted emergency plan for evacuation and periodic fire drills shall be conducted at the center for the purpose of removing children from the center as soon as possible.

723. Transportation

See DAY CARE CENTERS

724. Safety Requirements for Equipment

3. Indoor And Outdoor Play Materials And Equipment Suitable For Staff To Use With Infants And Toddlers To Stimulate Learning, Growth, Health, And Development Shall Be Provided.

Compliance Requirements:

Equipment and play materials shall be durable and free from characteristics that may be hazardous or injurious to infants and toddlers. Hazardous or injurious characteristics include sharp, rough edges; toxic paint; and objects small enough to be swallowed.

Equipment and play materials shall be maintained in sound, clean condition at all times.

Safe, sturdy, well-constructed individual cribs, portable cribs, or play pens used for sleeping shall be equipped with good, firm, fitting mattresses made of waterproof materials that can be washed. Stacking cots constructed of washable materials or full-size cribs shall be provided for toddlers.

There shall be no more than 1-1/2 inches of space between the mattress and bedframe when the mattress is pushed flush to one corner of the crib.

725. Water Activities (Including Swimming)

Not specified

726. Emergency Procedures

4. Care Of The Children Shall Be Given In Such A Manner As To Insure That The Health And Safety Needs, As Well As The Nurturing Requirements Of The Children, Are Met.

Compliance Requirements:

Records and Procedures

An accident report shall be made and filed at the facility by a witness to an accident that has occurred to a child while at the facility.

727. First Aid Supplies

3. Indoor And Outdoor Play Materials And Equipment Suitable For Staff To Use With Infants And Toddlers To Stimulate Learning, Growth, Health, And Development Shall Be Provided.

Compliance Requirements:

First aid supplies with infant and toddler supplies shall be available and easily accessible for use.

800. NUTRITION AND FOOD SERVICE

810. NUTRITION

811. Nutritional Requirements

See DAY CARE CENTERS

812. Waiver of Requirements

Not specified

820. FOOD PREPARATION

821. Food Preparation and Service Requirements

4. Care Of The Children Shall Be Given In Such A Manner As To Insure That The Health And Safety Needs, As Well As The Nurturing Requirements Of The Children, Are Met.

Compliance Requirements:

Feeding

Hands shall be washed and dried with individual or disposable towels before each feeding of individual children.

Flexible feeding schedule of infants shall be established to coordinate with parents' schedules at home and to allow for nursing infants.

Infants shall be held or placed in a chair for feeding. Bottles shall not be propped. When infants are old enough to hold their own bottles, they may feed themselves part of the time without being held.

If the child's formula is brought in by the parent at the beginning of each day, it shall be identified and placed in the refrigerator.

All opened foods shall be dated and used within 24 hours.

Food should be served in separate dishes for each infant and not in jars. Leftovers from children's dishes should be thrown away.

Children shall be allowed and encouraged to feed themselves. Supportive help to the child from the staff shall be maintained for as long as the child needs such help.

Safe finger foods shall be provided; foods that dissolve or become pulpy in the mouth are appropriate finger foods.

900. SOCIAL SERVICES

Not specified

1000. PARENT PARTICIPATION

Not specified

1100. INFANTS AND TODDLERS

1110. PROGRAM OF ACTIVITIES

See 600. PROGRAM OF ACTIVITIES, INCLUDING EDUCATION

1120. HEALTH AND SAFETY REQUIREMENTS

See 700. HEALTH AND SAFETY

1130. INFANT NUTRITION

See 800. NUTRITION AND FOOD SERVICE

1200. CHILDREN WITH HANDICAPPING CONDITIONS

1210. PROGRAM OF ACTIVITIES

See DAY CARE CENTERS

1220. HEALTH AND SAFETY REQUIREMENTS

See DAY CARE CENTERS

1230. STAFFING

See DAY CARE CENTERS

1300. SCHOOL AGE CHILDREN

1310. PROGRAM OF ACTIVITIES

Not applicable

1320. HEALTH AND SAFETY REQUIREMENTS

Not applicable

1400. FACILITY REQUIREMENTS

1410. SPACE

2. A Facility For Infants And Toddlers Shall Have Sufficient Indoor And Outdoor Space And Appropriate Furniture To Provide For Support Functions Necessary To The Program And To Provide For The Reasonable Comfort And Convenience Of Staff And Parent(s).

Compliance Requirements:

Infants and toddlers shall be housed and cared for either at grade level or one flight of stairs above or below grade level and the rooms shall be easily accessible.

Separate spaces for infants and toddlers shall be available away from older children except in facilities enrolling 10 or fewer children.

Infants six weeks to 15 months that:

Play and sleep in the same room shall have a minimum of 25 square feet of space per child for play area plus a minimum of 30 square feet of space per child for sleeping area with at least two feet between each crib or cot.

Play in separate rooms shall have a minimum of 25 square feet of play space per child.

Sleep in separate rooms shall have a minimum of 30 square feet of space per child for sleeping area with at least two feet between each crib.

Toddlers 15 months to 24 months that:

Play and sleep in the same room

Using stackable cots: shall have 35 square feet of space per child.

Using cribs: shall have a minimum of 55 square feet of space per child. However, when the children are in their cribs, there must be a minimum of two feet between the cribs.

Play in separate rooms shall have a minimum of 35 square feet of space per child.

Sleep in separate rooms shall have a minimum of 30 square feet of space per child with at least two feet between each crib or cot.

An easily accessible area for writing and maintaining records kept by the staff shall be provided.

3. Indoor And Outdoor Play Materials And Equipment Suitable For Staff To Use With Infants And Toddlers To Stimulate Learning, Growth, Health, And Development Shall Be Provided.

Compliance Requirements:

Locked cabinets shall be provided for storage of items which the children may not use.

Storage space for each child's belongings shall be available.

1420. LIGHTING, VENTILATION, AND TEMPERATURE

2. A Facility For Infants And Toddlers Shall Have Sufficient Indoor And Outdoor Space And Appropriate Furniture To Provide For Support Functions Necessary To The Program And To Provide For The Reasonable Comfort And Convenience Of Staff And Parent(s).

Compliance Requirements:

A center shall be well ventilated and furnished with temperature and humidity gauges to assure maintenance of a constant minimum temperature of 68 degrees Fahrenheit and relative humidity of 35 to 60 percent.

1430. EXITS

See DAY CARE CENTERS

1440. TOILETS AND LAVATORIES

2. A Facility For Infants And Toddlers Shall Have Sufficient Indoor And Outdoor Space And Appropriate Furniture To Provide For Support Functions Necessary To The Program And To Provide For The Reasonable Comfort And Convenience Of Staff And Parent(s).

Compliance Requirements:

A sink or lavatory shall be easily accessible for the use of staff for hand-washing and for use by the children.

A toilet shall be easily accessible so that the contents of cloth diapers, if used, may be disposed of before placing diapers in the diaper pail.

One toilet or potty chair for every three toddlers being toilet trained shall be provided.

1500. OTHER STATE REQUIREMENTS - COMPLIANCE WITH OTHER LOCAL, STATE, AND REGIONAL LAWS AND REGULATIONS

1510. ZONING

Not specified

1520. FIRE

See DAY CARE CENTERS

1530. BUILDING

See DAY CARE CENTERS

1540. HEALTH

See DAY CARE CENTERS

1550. SANITATION

See DAY CARE CENTERS

1560. NEW CONSTRUCTION

Not specified

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